

ASSEMBLY, No. 148

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman WOLFE

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

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

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7 1. An employee of a local or regional school district, educational
8 services commission, jointure commission, county special services
9 school district, county vocational school, or board or commission
10 under the authority of the Commissioner of Education or the State
11 Board of Education shall not be required to search for, handle or
12 detonate an explosive device by any means or method, and the
13 employee shall not be required to supervise, or be present during, the
14 search for, handling or detonation of an explosive device. As used in
15 this section, "explosive device" means any destructive device or
16 explosive as defined under N.J.S.2C:39-1, any explosive or propellant
17 as defined under section 2 of P.L.1960, c.55 (C.21:1A-129) or any
18 dangerous fireworks as defined under R.S.21:2-3.

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20 2. An employee of a county college shall not be required to search
21 for, handle or detonate an explosive device by any means or method,
22 and the employee shall not be required to supervise, or be present
23 during, the search for, handling or detonation of an explosive device.
24 As used in this section, "explosive device" means any destructive
25 device or explosive as defined under N.J.S.2C:39-1, any explosive or
26 propellant as defined under section 2 of P.L.1960, c.55 (C.21:1A-129)
27 or any dangerous fireworks as defined under R.S.21:2-3.

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29 3. This act shall take effect immediately.

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STATEMENT

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34 This bill provides that employees of public schools and county
35 colleges shall not be required to search for, handle or detonate an

1 explosive device by any means or method and shall not be required to
2 supervise, or be present during, the search for, handling or detonation
3 of an explosive device. The bill overrules the 1984 decision of the
4 Commissioner of Education in Cherry Hill Supportive Staff
5 Association and Cherry Hill Associated Service Personnel v. Board of
6 Education of Township of Cherry Hill, Camden County in which the
7 commissioner held that the assignment of untrained custodians to
8 conduct hands-on bomb searches was improper in that case, but that
9 custodians could be required to participate in visual searches for
10 bombs.

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14 Prohibits requiring school and county college employees to search for
15 or handle explosive devices.