

ASSEMBLY, No. 1295

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman GREENWALD

1 AN ACT concerning certain mutual assistance agreements;
2 supplementing chapter 14 of Title 40A of the New Jersey Statutes
3 and making an appropriation.
4

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

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8 1. The chief law enforcement officers of any two contiguous
9 municipalities may enter into a mutual assistance agreement for police
10 services. Consistent with the provisions of N.J.S.40A:14-156, the
11 agreement may provide for the rendering of mutual law enforcement
12 assistance in order to protect life and property, to assist in the
13 suppression of riot or disorder, or to perform routine law enforcement
14 activities and functions. The members of the law enforcement agency
15 providing such mutual assistance shall have the same police powers
16 and authority in the contiguous municipality as in their own and shall
17 have all the rights and immunities they normally enjoy in the
18 performance of their law enforcement duties. In the event of casualty
19 or death, a law enforcement officer providing mutual aid under the
20 provisions of this act, or his designee or legal representative, shall be
21 entitled to all salary , pension rights, workmens's compensation and
22 other benefits to which he would have been entitled if that casualty or
23 death had occurred in the performance of his normal duties in his
24 employer municipality.

25 An agreement entered into under this section need not be in writing,
26 nor shall it require any formal action by the governing bodies of the
27 two contiguous municipalities in order to be valid and in force. The
28 chief law enforcement officers of the contiguous municipalities,
29 however, shall notify the governing body of their municipality that they
30 have entered into such a mutual aid agreement for police services. The
31 governing body of either municipality may, after giving notice to the
32 governing body of the other participating municipality, nullify any such
33 mutual aid agreement by resolution.
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35 2. a. There is created in the Department of Treasury a nonlapsing,

1 revolving fund entitled the "Mutual Assistance Agreement for Police
2 Services Grant Fund." This fund shall be the depository for any
3 appropriations, grants or other moneys provided to carry out the
4 purposes of this act. Interest earned on these depositions shall accrue
5 to the fund. The moneys deposited in the fund shall be used
6 exclusively for grants to assist contiguous municipalities as provided
7 in subsection b. of this section.

8 b. Any two contiguous municipalities which enter into a mutual aid
9 agreement of police services under the provisions of this act may apply
10 to the Attorney General for a grant to purchase communications
11 equipment. The application shall set forth the reasons why such
12 communications equipment is necessary in order to effectuate the
13 mutual aid agreement. The maximum grant the applicant
14 municipalities may receive under this subsection is \$50,000.

15 c. Application for grants shall be made in a manner prescribed by
16 the Attorney General pursuant to the "Administrative Procedure Act."
17 P.L.1968, c.410 (C.52:14B-1 et seq.). The Attorney General shall
18 establish such other rules and regulations as are necessary to carry out
19 the purpose of this act, including rules for the allowable uses of grant
20 funds, the allocation of funds among grantees, and the accountability
21 of grantees for funds received.

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23 3. There is appropriated \$1,000,000 to the Department of Law and
24 Public Safety for deposit in the Mutual Assistance Agreement Program
25 for Police Services Grant Fund to carry out the purposes of this act.

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27 4. This act shall take effect immediately.

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30 STATEMENT

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32 This bill codifies a recent appellate court decision (State v.
33 Montalvo, 280 N.J. Super. 377) which upheld the validity of informal
34 mutual assistance agreements between contiguous municipalities.

35 Under the provisions of this bill, the chief law enforcement officers
36 of any two contiguous municipalities may enter into a mutual
37 assistance agreement for police services. The agreements do not have
38 to be in writing, nor do they require any formal action on the part of
39 the governing bodies of the two municipalities in order to be valid.
40 The bill requires, however, that the governing bodies of the
41 municipalities be informed of the agreement and authorizes those
42 governing bodies to nullify any such agreements, after giving notice,
43 by resolution.

44 The participating law enforcement agencies would provide
45 assistance to each other to protect life and property, to assist in the
46 suppression of riot and disorder, and to perform routine law

1 enforcement activities and duties.

2 The bill specifies that the participating law enforcement officers
3 have all the powers, authority, rights and immunities in the contiguous
4 municipalities that they have in their employing municipality.

5 In addition, the bill establishes a "Mutual Assistance Agreement for
6 Police Services Grant Fund." The moneys in the fund are to be
7 distributed as grants to municipalities which have entered into mutual
8 assistance agreements under the bill. The grants, which may not
9 exceed \$50,000, are to be used to purchase communications
10 equipment. In applying for these grant moneys, the applicant
11 municipalities must explain why they need the communications
12 equipment.

13 Finally, the bill appropriates \$1,000,000 to the grant fund.

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18 Clarifies procedures for informal mutual assistance agreements
19 between law enforcement agencies in contiguous municipalities;
20 establishes a grant program; appropriates \$1 million.