

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1836

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 13, 1996

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 1836.

Assembly Bill 1836, the "Law Enforcement Officers' Protection Act," amends and supplements parts of statutory law to clarify and codify certain law enforcement officer powers, protections, privileges and rights.

The provisions of the bill:

(1) Provide for life imprisonment without parole for murderers convicted of killing law enforcement officers but who escape the death penalty;

(2) Establish and extend certain tort coverages and immunities to law enforcement officers, most notably in rendering good faith assistance to victims of an accident or in times of emergency, for duties performed outside their employment jurisdiction, and relating to the firing of their weapon in the performance of their official duties;

(3) Entitle all local law enforcement officers, including county correctional officers, to reimbursements of legal fees in certain civil suits and disciplinary hearings;

(4) Require HIV and AIDS testing whenever body fluids have been transmitted between a law enforcement officer and any other person (adult or juvenile) the officer may arrest for an offense;

(5) Stipulate that any person designated to hear charges filed against a law enforcement officer shall not be an officer, agent, representative, elected or appointed official, or employee of the employing governmental unit; and

(6) Extend the jurisdictional law enforcement duties and responsibilities of campus police officers.

The bill also establishes a Law Enforcement Officers Training and Equipment Fund and provides for its funding by imposing additional monetary penalties upon adults convicted of crimes and juveniles adjudicated delinquent.

The committee, at the request of the sponsor, amended the bill to provide that law enforcement agencies be required to adopt and implement the guidelines set forth in the "Internal Affairs Policy and

Procedures" of the Police Management Manual promulgated by the Attorney General.

The committee also amended the bill to clarify that the indemnification for legal expenses authorized for county officers under N.J.S.40A-14-117, municipal officers under N.J.S.40A:14-155, and county park officers under section 1 of P.L.1973, c.353 (C.40:37-11.5) applies only to those legal proceedings arising out of or incidental to the performance of the officer's duties.

In addition, the committee amended section 4 of the bill to remove the amendatory language which would have precluded any "officer, agent, representative, elected or appointed official, or employee of the municipality or county or any subdivision thereof" to hear a complaint filed against an officer. The committee further amended the section to clarify that the limitation on imposing penalties pending the final outcome of all appeals applies only to administrative proceedings.

Finally, the committee amended section 10 of the bill to provide that the immunity from civil liability afforded law enforcement officers under section 1 of P.L.1963, c.140 (C.2A:62A-1) applies only when the officer acts in good faith and when "reasonable care is exercised."