

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

## **ASSEMBLY, No. 1836**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 13, 1996

The Assembly Appropriations Committee reports favorably Assembly Bill No. 1836 (1R), with committee amendments

Assembly No. 1836 (1R), as amended, 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 are as follows:

(1) Provide for life imprisonment without parole, as defined in subsection e. of section 2 of the "Persistent Offenders Accountability Act" (P.L.1995, c.126; C.2C:43-7.1), for murderers convicted of killing law enforcement officers but who escape the death penalty;

(2) Establish tort coverage under the "New Jersey Torts Claims Act," N.J.S.59:1-1 et seq., for law enforcement officers rendering good faith assistance to victims of an accident or in times of emergency, and extend immunities for duties performed outside their employment jurisdiction;

(3) 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;

(4) Establish a Law Enforcement Officers Training and Equipment Fund and provide for its funding by imposing additional monetary penalties upon adults convicted of crimes and juveniles adjudicated delinquent;

(5) Require law enforcement agencies to adopt and implement guidelines consistent with those set forth in the "Internal Affairs Policy and Procedures" of the Police Management Manual promulgated by the Attorney General and any tenure or civil service laws. These guidelines shall not supersede any existing contractual agreements;

(6) Clarify that in certain disciplinary matters, law enforcement officers employed by municipalities that have not adopted the provisions of Title 11A of the New Jersey Statutes (Civil Service) shall be afforded procedural protections substantially equivalent to those accorded under Title 11A and the regulations adopted pursuant

thereto; and

(7) Clarify that, by agreement with the employer, binding arbitration may be adopted as a procedure for disputes involving minor discipline for all public employees (including law enforcement officers) protected under the "New Jersey Employer-Employee Relations Act," P.L.1941, c.100 (C.34:13A-1 et seq.), except for members and officers of the State Police.

FISCAL IMPACT:

The Administrative Office of the Courts (AOC) estimated revenue generated for the Law Enforcement Training and Equipment Fund, based on over 27,000 convictions, could be approximately \$816,000 annually. However, since many offenders are indigent, these fines often go unpaid. No other data are available for costs.

COMMITTEE AMENDMENTS:

The committee amendments delete provisions:

(1) Entitling all local law enforcement officers to reimbursements of legal fees in certain civil suits and disciplinary hearings;

(2) Extending the jurisdictional law enforcement duties and responsibilities of campus police officers;

(3) Immunizing from liability a law enforcement officer who discharges his weapon in the lawful exercise of his police powers in the furtherance of his official duties; and

(4) Defining law enforcement officer and law enforcement agency. In place of a general definitional section, the committee inserted the definitions of those terms in those sections of the bill where necessary and appropriate.