

ASSEMBLY, No. 2036

STATE OF NEW JERSEY

INTRODUCED MAY 20, 1996

By Assemblyman DiGAETANO

1 AN ACT authorizing the appointment of certain deputy sheriffs and  
2 amending P.L.1975, c.272.

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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. Section 1 of P.L.1975, c.272 (C.40A:9-117.2) is amended to  
8 read as follows:

9 1. a. In addition to the deputies authorized to be appointed  
10 pursuant to N.J.S.40A:9-117, the sheriff of any county [having a  
11 population of more than 850,000 inhabitants, according to the latest  
12 federal decennial census,]may designate and appoint to serve at the  
13 pleasure of the sheriff without compensation up to 85 persons to the  
14 positions of deputy sheriffs. [As an auxiliary force of the sheriff's  
15 office, they shall assist in providing for the health, safety and welfare  
16 of the people of the State of New Jersey and aid in the prevention of  
17 damage to and the destruction of property during any emergency and  
18 such other duties as may be prescribed and directed by the sheriff.]

19 b. No person shall be appointed as a deputy sheriff unless that  
20 person has first satisfied the appointment qualifications for special law  
21 enforcement officers as set forth in paragraphs (1) through (5) of  
22 subsection b., and in subsections c. and e. of section 3 of P.L.1985,  
23 c.439 (C.40A:14-146.10). In addition, no person shall be appointed  
24 as a deputy sheriff unless the person has successfully undergone  
25 psychological testing as approved by the Police Training Commission.

26 c. The sheriff or his designee shall review the performance of a  
27 deputy sheriff appointed pursuant to this section after each 30 hours  
28 of service or three months, whichever comes first. A deputy sheriff  
29 who receives a performance rating of less than satisfactory shall be  
30 subject to immediate dismissal.

31 d. No person shall be appointed to serve as a deputy sheriff if that  
32 person is serving as a special law enforcement officer or law  
33 enforcement officer in any municipality, county or state. No public  
34 official with responsibility for setting law enforcement policy or

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 exercising authority over the budget of the sheriff's department shall  
2 be appointed as a deputy sheriff.

3 (cf: P.L.1981, c.462, s.47)

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5 2. This act shall take effect immediately.

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#### STATEMENT

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10 This bill amends section 1 of P.L.1975, c.272 (C.40A:9-117.2) to  
11 permit the sheriffs of all counties to appoint up to 85 persons to the  
12 position of deputy sheriff, to serve without compensation at the  
13 pleasure of the sheriff. Under current law, this power is granted only  
14 to the sheriff of a county with a population of more than 850,000  
15 persons, according to the latest federal decennial census. The bill  
16 prohibits the appointment of a person as a deputy sheriff unless that  
17 person has 1) satisfied the appointment qualifications for special law  
18 enforcement officers in paragraphs (1) through (5) of subsection b.,  
19 and in subsections c. and e. of section 3 of P.L.1985, c.439  
20 (C.40A:14-146.10), and 2) has successfully undergone psychological  
21 testing as approved by the Police Training Commission. It provides  
22 that a person could not be appointed to serve as a deputy sheriff if that  
23 person is serving as a special law enforcement officer or law  
24 enforcement officer in any municipality, county or state. In addition,  
25 no public official with responsibility for setting law enforcement policy  
26 or exercising authority over the budget of the sheriff's department  
27 could be appointed as a deputy sheriff under the bill's provisions. The  
28 bill also removes specific reference to the duties to be performed by  
29 these deputy sheriffs.

30 The bill also provides that the sheriff or his designee must review  
31 the performance of a deputy sheriff appointed after each 30 hours of  
32 service or three months, whichever comes first. A deputy sheriff who  
33 receives a performance rating of less than satisfactory would be  
34 subject to immediate dismissal.

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Permits all sheriffs to appoint volunteer deputies.