

§§1 - 5
C. 40A:14-146.19
To
40A:14-146.23

P.L. 1997, CHAPTER 210, *approved August 18, 1997*
Senate, No. 1536 (*Second Reprint*)

1 **AN ACT** concerning the establishing of housing authority police forces
2 in certain municipalities, supplementing chapter 14 of Title 40A of
3 the New Jersey Statutes and amending N.J.S.2C:39-6.
4

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

7
8 1. (New section) The governing body of every city of the first class
9 having a population of more than 270,000 inhabitants, according to the
10 1990 federal decennial census, may, by ordinance, establish a housing
11 authority police force to patrol the grounds, buildings, and other areas
12 and facilities of the municipal housing authority.

13 The ordinance shall provide for the maintenance, regulation and
14 control of the force either as a separate department or as a division or
15 unit of the municipal police force; a line of authority relating to the
16 force's police function; the promulgation and adoption of rules and
17 regulations by the appropriate authority designated in
18 N.J.S.40A:14-118 for the government of the force and the discipline
19 of its members; the appointment of such members, officers and
20 personnel as the governing body may deem necessary; the fixing of
21 their compensation; the prescription of their powers, functions and
22 duties; and such other matters as the governing body shall deem
23 necessary for the effective government and operation of the force. If
24 the housing authority police force is established as a separate
25 department, the appropriate authority for the force shall be the same
26 as the appropriate authority designated for the police force established
27 pursuant to N.J.S.40A:14-118.

28 Notwithstanding any other provision of law to the contrary, housing
29 authority police officers appointed pursuant to this act shall ²[not]² be
30 deemed regular ²[police] law enforcement² officers.

31 The funding for the establishment and maintenance of a housing

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SLP committee amendments adopted November 7, 1996.

² Senate floor amendments adopted November 25, 1996.

1 authority police force in accordance with an ordinance enacted
2 pursuant to this section shall be provided by the municipal housing
3 authority. The housing authority may request from the governing
4 body of the municipality reimbursement for a portion of the costs
5 associated with appointing, training, and compensating a housing
6 authority police force established under the provisions of this section.
7 The governing body may decide, but shall not be required, to
8 reimburse the housing authority in the amount requested or in any
9 other lesser amount the governing body may choose.

10
11 2. (New section) No person may be appointed as a housing
12 authority police officer pursuant to section 1 of P.L....., c.... (C.....)
13 (now pending before the Legislature as this bill) unless that person:

- 14 a. Is a resident of this State;
15 b. Is able to read, write and speak the English language and has a
16 high school diploma or its equivalent;
17 c. Is sound in body and of good health;
18 d. Is of good moral character and has not been convicted of any
19 offense involving dishonesty or which would make him unfit to
20 perform the duties of the office; and
21 e. Has successfully undergone the same psychological testing that
22 is required of all full-time police officers in the municipality.

23
24 3. (New section) a. A person appointed as a police officer for a
25 housing authority police force pursuant to section 1 of P.L....., c....
26 (C.....)(now pending before the Legislature as this bill) shall within
27 one year of the date of his appointment successfully complete a basic
28 police training course at a school approved and authorized by Police
29 Training Commission. The training requirements set forth in this
30 subsection may be waived by the Police Training Commission for a
31 person appointed as a housing authority police officer who
32 demonstrates to the commission's satisfaction that the person has
33 successfully completed a police training course conducted by any
34 federal, State or other public or private agency the requirements of
35 which are substantially equivalent to the requirements of that at a
36 school approved by the commission.

37 b. A housing authority police officer, who shall have successfully
38 completed the basic police training course for police officers at a
39 school approved by the Police Training Commission, shall have all the
40 powers conferred by law on police officers in the enforcement of the
41 laws of this State or municipal ordinances, including the power to
42 apprehend offenders.

43 c. Any person appointed as a housing authority police officer, who
44 at any time prior to his appointment had served as a duly qualified,
45 fully-trained, full-time law enforcement officer in any municipality of
46 this State and who was separated from that prior service in good

1 standing, shall be eligible to serve as a housing authority police officer
2 consistent with guidelines promulgated by the Police Training
3 Commission. The training requirements set forth in subsection a. of
4 this section may be waived by the commission with regard to any
5 person described in this subsection who is appointed as a housing
6 authority police officer.

7
8 4. (New section) Each housing authority police officer, when on
9 duty, except when employed as a detective, shall wear in plain view a
10 name plate and a metallic shield or device, in a style prescribed by the
11 municipality, with the words: "(Name of municipality) Housing
12 Authority Police."

13
14 ²5. Notwithstanding any other provisions of law to the contrary,
15 housing authority police officers appointed pursuant to this act shall
16 have all the immunities from tort liability and shall have all the
17 pension, relief, disability, workers' compensation, insurance and other
18 benefits enjoyed by regular law enforcement officers while performing
19 their duties.²

20
21 ²[5.] 6.² N.J.S.2C:39-6 is amended to read as follows:

22 2C:39-6. a. Provided a person complies with the requirements of
23 subsection j. of this section, N.J.S.2C:39-5 does not apply to:

24 (1) Members of the Armed Forces of the United States or of the
25 National Guard while actually on duty, or while traveling between
26 places of duty and carrying authorized weapons in the manner
27 prescribed by the appropriate military authorities;

28 (2) Federal law enforcement officers, and any other federal officers
29 and employees required to carry firearms in the performance of their
30 official duties;

31 (3) Members of the State Police and, under conditions prescribed by
32 the superintendent, members of the Marine Law Enforcement Bureau
33 of the Division of State Police;

34 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
35 assistant prosecutor, prosecutor's detective or investigator, deputy
36 attorney general or State investigator employed by the Division of
37 Criminal Justice of the Department of Law and Public Safety,
38 investigator employed by the State Commission of Investigation,
39 inspector of the Alcoholic Beverage Control Enforcement Bureau of
40 the Division of State Police in the Department of Law and Public
41 Safety authorized to carry such weapons by the Superintendent of
42 State Police, State park ranger, or State conservation officer;

43 (5) A prison or jail warden of any penal institution in this State or
44 his deputies, or an employee of the Department of Corrections
45 engaged in the interstate transportation of convicted offenders, while
46 in the performance of his duties, and when required to possess the

1 weapon by his superior officer, or a correction officer or keeper of a
2 penal institution in this State at all times while in the State of New
3 Jersey, provided he annually passes an examination approved by the
4 superintendent testing his proficiency in the handling of firearms;

5 (6) A civilian employee of the United States Government under the
6 supervision of the commanding officer of any post, camp, station, base
7 or other military or naval installation located in this State who is
8 required, in the performance of his official duties, to carry firearms,
9 and who is authorized to carry such firearms by said commanding
10 officer, while in the actual performance of his official duties;

11 (7) (a) A regularly employed member, including a detective, of the
12 police department of any county or municipality, or of any State,
13 interstate, municipal or county park police force or boulevard police
14 force, at all times while in the State of New Jersey;

15 (b) A special law enforcement officer authorized to carry a weapon
16 as provided in subsection b. of section 7 of P.L.1985, c.439
17 (C.40A:14-146.14);

18 (c) An airport security officer or a special law enforcement officer
19 appointed by the governing body of any county or municipality, except
20 as provided in subsection b. of this section, or by the commission,
21 board or other body having control of a county park or airport or
22 boulevard police force, while engaged in the actual performance of his
23 official duties and when specifically authorized by the governing body
24 to carry weapons;

25 (8) A full-time, paid member of a paid or part-paid fire department
26 or force of any municipality who is assigned full-time or part-time to
27 an arson investigation unit created pursuant to section 1 of P.L.1981,
28 c.409 (C.40A:14-7.1) or to the county arson investigation unit in the
29 county prosecutor's office, while either engaged in the actual
30 performance of arson investigation duties or while actually on call to
31 perform arson investigation duties and when specifically authorized by
32 the governing body or the county prosecutor, as the case may be, to
33 carry weapons. Prior to being permitted to carry a firearm, such a
34 member shall take and successfully complete a firearms training course
35 administered by the Police Training Commission pursuant to P.L.1961,
36 c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a
37 revolver or similar weapon prior to being permitted to carry a firearm;

38 (9) A juvenile corrections officer in the employment of the Juvenile
39 Justice Commission established pursuant to section 2 of P.L.1995,
40 c.284 (C.52:17B-170) subject to the regulations promulgated by the
41 commission.

42 b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:

43 (1) A law enforcement officer employed by a governmental agency
44 outside of the State of New Jersey while actually engaged in his
45 official duties, provided, however, that he has first notified the
46 superintendent or the chief law enforcement officer of the municipality

- 1 or the prosecutor of the county in which he is engaged; or
- 2 (2) A licensed dealer in firearms and his registered employees during
3 the course of their normal business while traveling to and from their
4 place of business and other places for the purpose of demonstration,
5 exhibition or delivery in connection with a sale, provided, however,
6 that the weapon is carried in the manner specified in subsection g. of
7 this section.
- 8 c. Provided a person complies with the requirements of subsection
9 j. of this section, subsections b. and c. of N.J.S.2C:39-5 do not apply
10 to:
- 11 (1) A special agent of the Division of Taxation who has passed an
12 examination in an approved police training program testing proficiency
13 in the handling of any firearm which he may be required to carry, while
14 in the actual performance of his official duties and while going to or
15 from his place of duty, or any other police officer, while in the actual
16 performance of his official duties;
- 17 (2) A State deputy conservation officer or a full-time employee of
18 the Division of Parks and Forestry having the power of arrest and
19 authorized to carry weapons, while in the actual performance of his
20 official duties;
- 21 (3) (Deleted by amendment, P.L.1986, c.150.)
- 22 (4) A court attendant serving as such under appointment by the
23 sheriff of the county or by the judge of any municipal court or other
24 court of this State, while in the actual performance of his official
25 duties;
- 26 (5) A guard in the employ of any railway express company, banking
27 or building and loan or savings and loan institution of this State, while
28 in the actual performance of his official duties;
- 29 (6) A member of a legally recognized military organization while
30 actually under orders or while going to or from the prescribed place
31 of meeting and carrying the weapons prescribed for drill, exercise or
32 parade;
- 33 (7) An officer of the Society for the Prevention of Cruelty to
34 Animals, while in the actual performance of his duties;
- 35 (8) An employee of a public utilities corporation actually engaged
36 in the transportation of explosives;
- 37 (9) A railway policeman, except a transit police officer of the New
38 Jersey Transit Police Department, at all times while in the State of
39 New Jersey, provided that he has passed an approved police academy
40 training program consisting of at least 280 hours. The training
41 program shall include, but need not be limited to, the handling of
42 firearms, community relations, and juvenile relations;
- 43 (10) A campus police officer appointed under P.L.1970, c.211
44 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry a
45 firearm, a campus police officer shall take and successfully complete
46 a firearms training course administered by the Police Training

1 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
2 shall annually qualify in the use of a revolver or similar weapon prior
3 to being permitted to carry a firearm;

4 (11) A person who has not been convicted of a crime under the laws
5 of this State or under the laws of another state or the United States,
6 and who is employed as a full-time security guard for a nuclear power
7 plant under the license of the Nuclear Regulatory Commission, while
8 in the actual performance of his official duties;

9 (12) A transit police officer of the New Jersey Transit Police
10 Department, at all times while in the State of New Jersey, provided the
11 officer has satisfied the training requirements of the Police Training
12 Commission, pursuant to subsection c. of section 2 of P.L.1989, c.291
13 (C.27:25-15.1);

14 (13) A parole officer employed by the Bureau of Parole in the
15 Department of Corrections at all times. Prior to being permitted to
16 carry a firearm, a parole officer shall take and successfully complete
17 a basic course for regular police officer training administered by the
18 Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66
19 et seq.), and shall annually qualify in the use of a revolver or similar
20 weapon prior to being permitted to carry a firearm;

21 (14) A Human Services police officer at all times while in the State
22 of New Jersey, as authorized by the Commissioner of Human Services;
23 ¹[or]¹

24 (15) A person or employee of any person who, pursuant to and as
25 required by a contract with a governmental entity, supervises or
26 transports persons charged with or convicted of an offense¹[.]; or¹

27 (16) A housing authority police officer appointed under P.L. , c.
28 (C.) (now pending before the Legislature as this bill). ¹[while going
29 to and from his place of duty and while in the course of performing
30 official duties] at all times while in the State of New Jersey.¹

31 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
32 antique firearms, provided that such antique firearms are unloaded or
33 are being fired for the purposes of exhibition or demonstration at an
34 authorized target range or in such other manner as has been approved
35 in writing by the chief law enforcement officer of the municipality in
36 which the exhibition or demonstration is held, or if not held on
37 property under the control of a particular municipality, the
38 superintendent.

39 (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of
40 N.J.S.2C:39-5 do not apply to an antique cannon that is capable of
41 being fired but that is unloaded and immobile, provided that the
42 antique cannon is possessed by (a) a scholastic institution, a museum,
43 a municipality, a county or the State, or (b) a person who obtained a
44 firearms purchaser identification card as specified in N.J.S.2C:58-3.

45 (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of
46 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is

1 being transported by one eligible to possess it, in compliance with
2 regulations the superintendent may promulgate, between its permanent
3 location and place of purchase or repair.

4 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of
5 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded
6 or fired by one eligible to possess an antique cannon, for purposes of
7 exhibition or demonstration at an authorized target range or in the
8 manner as has been approved in writing by the chief law enforcement
9 officer of the municipality in which the exhibition or demonstration is
10 held, or if not held on property under the control of a particular
11 municipality, the superintendent, provided that performer has given at
12 least 30 days' notice to the superintendent.

13 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
14 N.J.S.2C:39-5 do not apply to the transportation of unloaded antique
15 cannons directly to or from exhibitions or demonstrations authorized
16 under paragraph (4) of subsection d. of this section, provided that the
17 transportation is in compliance with safety regulations the
18 superintendent may promulgate. Nor do those subsections apply to
19 transportation directly to or from exhibitions or demonstrations
20 authorized under the law of another jurisdiction, provided that the
21 superintendent has been given 30 days' notice and that the
22 transportation is in compliance with safety regulations the
23 superintendent may promulgate.

24 e. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be
25 construed to prevent a person keeping or carrying about his place of
26 business, residence, premises or other land owned or possessed by
27 him, any firearm, or from carrying the same, in the manner specified
28 in subsection g. of this section, from any place of purchase to his
29 residence or place of business, between his dwelling and his place of
30 business, between one place of business or residence and another when
31 moving, or between his dwelling or place of business and place where
32 such firearms are repaired, for the purpose of repair. For the purposes
33 of this section, a place of business shall be deemed to be a fixed
34 location.

35 f. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be
36 construed to prevent:

37 (1) A member of any rifle or pistol club organized in accordance
38 with the rules prescribed by the National Board for the Promotion of
39 Rifle Practice, in going to or from a place of target practice, carrying
40 such firearms as are necessary for said target practice, provided that
41 the club has filed a copy of its charter with the superintendent and
42 annually submits a list of its members to the superintendent and
43 provided further that the firearms are carried in the manner specified
44 in subsection g. of this section;

45 (2) A person carrying a firearm or knife in the woods or fields or
46 upon the waters of this State for the purpose of hunting, target

1 practice or fishing, provided that the firearm or knife is legal and
2 appropriate for hunting or fishing purposes in this State and he has in
3 his possession a valid hunting license, or, with respect to fresh water
4 fishing, a valid fishing license;

5 (3) A person transporting any firearm or knife while traveling:

6 (a) Directly to or from any place for the purpose of hunting or
7 fishing, provided the person has in his possession a valid hunting or
8 fishing license; or

9 (b) Directly to or from any target range, or other authorized place
10 for the purpose of practice, match, target, trap or skeet shooting
11 exhibitions, provided in all cases that during the course of the travel
12 all firearms are carried in the manner specified in subsection g. of this
13 section and the person has complied with all the provisions and
14 requirements of Title 23 of the Revised Statutes and any amendments
15 thereto and all rules and regulations promulgated thereunder; or

16 (c) In the case of a firearm, directly to or from any exhibition or
17 display of firearms which is sponsored by any law enforcement agency,
18 any rifle or pistol club, or any firearms collectors club, for the purpose
19 of displaying the firearms to the public or to the members of the
20 organization or club, provided, however, that not less than 30 days
21 prior to the exhibition or display, notice of the exhibition or display
22 shall be given to the Superintendent of the State Police by the
23 sponsoring organization or club, and the sponsor has complied with
24 such reasonable safety regulations as the superintendent may
25 promulgate. Any firearms transported pursuant to this section shall be
26 transported in the manner specified in subsection g. of this section;

27 (4) A person from keeping or carrying about a private or
28 commercial aircraft or any boat, or from transporting to or from such
29 vessel for the purpose of installation or repair a visual distress
30 signalling device approved by the United States Coast Guard.

31 g. All weapons being transported under paragraph (2) of subsection
32 b., subsection e., or paragraph (1) or (3) of subsection f. of this
33 section shall be carried unloaded and contained in a closed and
34 fastened case, gunbox, securely tied package, or locked in the trunk of
35 the automobile in which it is being transported, and in the course of
36 travel shall include only such deviations as are reasonably necessary
37 under the circumstances.

38 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to
39 prevent any employee of a public utility, as defined in R.S.48:2-13,
40 doing business in this State or any United States Postal Service
41 employee, while in the actual performance of duties which specifically
42 require regular and frequent visits to private premises, from
43 possessing, carrying or using any device which projects, releases or
44 emits any substance specified as being noninjurious to canines or other
45 animals by the Commissioner of Health and which immobilizes only on
46 a temporary basis and produces only temporary physical discomfort

1 through being vaporized or otherwise dispensed in the air for the sole
2 purpose of repelling canine or other animal attacks.

3 The device shall be used solely to repel only those canine or other
4 animal attacks when the canines or other animals are not restrained in
5 a fashion sufficient to allow the employee to properly perform his
6 duties.

7 Any device used pursuant to this act shall be selected from a list of
8 products, which consist of active and inert ingredients, permitted by
9 the Commissioner of Health.

10 i. Nothing in N.J.S.2C:39-5 shall be construed to prevent any person
11 who is 18 years of age or older and who has not been convicted of a
12 felony, from possession for the purpose of personal self-defense of one
13 pocket-sized device which contains and releases not more than
14 three-quarters of an ounce of chemical substance not ordinarily
15 capable of lethal use or of inflicting serious bodily injury, but rather,
16 is intended to produce temporary physical discomfort or disability
17 through being vaporized or otherwise dispensed in the air. Any person
18 in possession of any device in violation of this subsection shall be
19 deemed and adjudged to be a disorderly person, and upon conviction
20 thereof, shall be punished by a fine of not less than \$100.00.

21 j. A person shall qualify for an exemption from the provisions of
22 N.J.S.2C:39-5, as specified under subsections a. and c. of this section,
23 if the person has satisfactorily completed a firearms training course
24 approved by the Police Training Commission.

25 Such exempt person shall not possess or carry a firearm until the
26 person has satisfactorily completed a firearms training course and shall
27 annually qualify in the use of a revolver or similar weapon. For
28 purposes of this subsection, a "firearms training course" means a
29 course of instruction in the safe use, maintenance and storage of
30 firearms which is approved by the Police Training Commission. The
31 commission shall approve a firearms training course if the
32 requirements of the course are substantially equivalent to the
33 requirements for firearms training provided by police training courses
34 which are certified under section 6 of P.L.1961, c.56 (C.52:17B-71).
35 A person who is specified in paragraph (1), (2), (3) or (6) of
36 subsection a. of this section shall be exempt from the requirements of
37 this subsection.

38 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to
39 prevent any financial institution, or any duly authorized personnel of
40 the institution, from possessing, carrying or using for the protection of
41 money or property, any device which projects, releases or emits tear
42 gas or other substances intended to produce temporary physical
43 discomfort or temporary identification.

44 (cf: P.L.1995, c.280, s.21)

45

46 ²[6.] 7.² This act shall take effect immediately.

1

2

3 Permits certain municipalities to establish housing authority police

4 force.