

SENATE, No. 691

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 15, 1996

By Senator SINGER

1 AN ACT concerning probation officers, supplementing chapter 154 of
2 Title 2A of the New Jersey Statutes, and amending N.J.S.2C:39-6.

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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. (New section) A probation officer, duly appointed pursuant to
8 the provisions of N.J.S.2A:168-5, who satisfactorily completes a basic
9 training course approved by the Police Training Commission, as
10 provided by P.L.1961, c.56 (C.52:17B-66 et seq.), shall be empowered
11 as an officer for the detection, apprehension, arrest and conviction of
12 offenders against the law and shall have full power of arrest for any
13 crime committed in his presence anywhere within the territorial limits
14 of the State of New Jersey.

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16 2. N.J.S.2C:39-6 is amended to read as follows:

17 2C:39-6. a. Provided a person complies with the requirements of
18 subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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

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

26 (3) Members of the State Police and, under conditions prescribed
27 by the superintendent, members of the Marine Law Enforcement
28 Bureau of the Division of State Police;

29 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
30 assistant prosecutor, prosecutor's detective or investigator, deputy
31 attorney general or State investigator employed by the Division of
32 Criminal Justice of the Department of Law and Public Safety,
33 investigator employed by the State Commission of Investigation,
34 inspector of the Alcoholic Beverage Control Enforcement Bureau of

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

Matter underlined thus is new matter.

1 the Division of State Police in the Department of Law and Public
2 Safety authorized to carry such weapons by the Superintendent of
3 State Police, State park ranger, or State conservation officer;

4 (5) A prison or jail warden of any penal institution in this State or
5 his deputies, or an employee of the Department of Corrections
6 engaged in the interstate transportation of convicted offenders, while
7 in the performance of his duties, and when required to possess the
8 weapon by his superior officer, or a correction officer or keeper of a
9 penal institution in this State at all times while in the State of New
10 Jersey, provided he annually passes an examination approved by the
11 superintendent testing his proficiency in the handling of firearms;

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

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

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

25 (c) An airport security officer or a special law enforcement officer
26 appointed by the governing body of any county or municipality, except
27 as provided in subsection b. of this section, or by the commission,
28 board or other body having control of a county park or airport or
29 boulevard police force, while engaged in the actual performance of his
30 official duties and when specifically authorized by the governing body
31 to carry weapons;

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

45 (9) A juvenile corrections officer in the employment of the Juvenile
46 Justice Commission established pursuant to section 2 of P.L.1995,

1 c.284 (C.52:17B-170) subject to the regulations promulgated by the
2 commission.

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

4 (1) A law enforcement officer employed by a governmental agency
5 outside of the State of New Jersey while actually engaged in his
6 official duties, provided, however, that he has first notified the
7 superintendent or the chief law enforcement officer of the municipality
8 or the prosecutor of the county in which he is engaged; or

9 (2) A licensed dealer in firearms and his registered employees
10 during the course of their normal business while traveling to and from
11 their place of business and other places for the purpose of
12 demonstration, exhibition or delivery in connection with a sale,
13 provided, however, that the weapon is carried in the manner specified
14 in subsection g. of this section.

15 c. Provided a person complies with the requirements of subsection
16 j. of this section, subsections b. and c. of N.J.S.2C:39-5 do not apply
17 to:

18 (1) A special agent of the Division of Taxation who has passed an
19 examination in an approved police training program testing proficiency
20 in the handling of any firearm which he may be required to carry, while
21 in the actual performance of his official duties and while going to or
22 from his place of duty, or any other police officer, while in the actual
23 performance of his official duties;

24 (2) A State deputy conservation officer or a full-time employee of
25 the Division of Parks and Forestry having the power of arrest and
26 authorized to carry weapons, while in the actual performance of his
27 official duties;

28 (3) (Deleted by amendment, P.L.1986, c.150.)

29 (4) A court attendant serving as such under appointment by the
30 sheriff of the county or by the judge of any municipal court or other
31 court of this State, while in the actual performance of his official
32 duties;

33 (5) A guard in the employ of any railway express company,
34 banking or building and loan or savings and loan institution of this
35 State, while in the actual performance of his official duties;

36 (6) A member of a legally recognized military organization while
37 actually under orders or while going to or from the prescribed place
38 of meeting and carrying the weapons prescribed for drill, exercise or
39 parade;

40 (7) An officer of the Society for the Prevention of Cruelty to
41 Animals, while in the actual performance of his duties;

42 (8) An employee of a public utilities corporation actually engaged
43 in the transportation of explosives;

44 (9) A railway policeman, except a transit police officer of the New
45 Jersey Transit Police Department, at all times while in the State of
46 New Jersey, provided that he has passed an approved police academy

1 training program consisting of at least 280 hours. The training
2 program shall include, but need not be limited to, the handling of
3 firearms, community relations, and juvenile relations;

4 (10) A campus police officer appointed under P.L.1970, c.211
5 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry a
6 firearm, a campus police officer shall take and successfully complete
7 a firearms training course administered by the Police Training
8 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
9 shall annually qualify in the use of a revolver or similar weapon prior
10 to being permitted to carry a firearm;

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

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

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

28 (14) A Human Services police officer at all times while in the State
29 of New Jersey, as authorized by the Commissioner of Human Services;
30 [or]

31 (15) A person or employee of any person who, pursuant to and as
32 required by a contract with a governmental entity, supervises or
33 transports persons charged with or convicted of an offense; or

34 (16) A probation officer accorded police powers under the
35 provisions of section 1 of P.L. , c. (C.)(now pending before the
36 Legislature as this bill), while in the actual performance of his official
37 duties. Prior to being permitted to carry a firearm, a probation officer
38 shall take and successfully complete a basic course for regular police
39 officer training administered by the Police Training Commission,
40 pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually
41 qualify in the use of a revolver or similar weapon prior to being
42 permitted to carry a firearm.

43 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
44 antique firearms, provided that such antique firearms are unloaded or
45 are being fired for the purposes of exhibition or demonstration at an
46 authorized target range or in such other manner as has been approved

1 in writing by the chief law enforcement officer of the municipality in
2 which the exhibition or demonstration is held, or if not held on
3 property under the control of a particular municipality, the
4 superintendent.

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

11 (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of
12 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is
13 being transported by one eligible to possess it, in compliance with
14 regulations the superintendent may promulgate, between its permanent
15 location and place of purchase or repair.

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

25 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
26 N.J.S.2C:39-5 do not apply to the transportation of unloaded antique
27 cannons directly to or from exhibitions or demonstrations authorized
28 under paragraph (4) of subsection d. of this section, provided that the
29 transportation is in compliance with safety regulations the
30 superintendent may promulgate. Nor do those subsections apply to
31 transportation directly to or from exhibitions or demonstrations
32 authorized under the law of another jurisdiction, provided that the
33 superintendent has been given 30 days' notice and that the
34 transportation is in compliance with safety regulations the
35 superintendent may promulgate.

36 e. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be
37 construed to prevent a person keeping or carrying about his place of
38 business, residence, premises or other land owned or possessed by
39 him, any firearm, or from carrying the same, in the manner specified
40 in subsection g. of this section, from any place of purchase to his
41 residence or place of business, between his dwelling and his place of
42 business, between one place of business or residence and another when
43 moving, or between his dwelling or place of business and place where
44 such firearms are repaired, for the purpose of repair. For the purposes
45 of this section, a place of business shall be deemed to be a fixed
46 location.

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

3 (1) A member of any rifle or pistol club organized in accordance
4 with the rules prescribed by the National Board for the Promotion of
5 Rifle Practice, in going to or from a place of target practice, carrying
6 such firearms as are necessary for said target practice, provided that
7 the club has filed a copy of its charter with the superintendent and
8 annually submits a list of its members to the superintendent and
9 provided further that the firearms are carried in the manner specified
10 in subsection g. of this section;

11 (2) A person carrying a firearm or knife in the woods or fields or
12 upon the waters of this State for the purpose of hunting, target
13 practice or fishing, provided that the firearm or knife is legal and
14 appropriate for hunting or fishing purposes in this State and he has in
15 his possession a valid hunting license, or, with respect to fresh water
16 fishing, a valid fishing license;

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

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

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

28 (c) In the case of a firearm, directly to or from any exhibition or
29 display of firearms which is sponsored by any law enforcement agency,
30 any rifle or pistol club, or any firearms collectors club, for the purpose
31 of displaying the firearms to the public or to the members of the
32 organization or club, provided, however, that not less than 30 days
33 prior to the exhibition or display, notice of the exhibition or display
34 shall be given to the Superintendent of the State Police by the
35 sponsoring organization or club, and the sponsor has complied with
36 such reasonable safety regulations as the superintendent may
37 promulgate. Any firearms transported pursuant to this section shall be
38 transported in the manner specified in subsection g. of this section;

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

43 g. All weapons being transported under paragraph (2) of
44 subsection b., subsection e., or paragraph (1) or (3) of subsection f. of
45 this section shall be carried unloaded and contained in a closed and
46 fastened case, gunbox, securely tied package, or locked in the trunk of

1 the automobile in which it is being transported, and in the course of
2 travel shall include only such deviations as are reasonably necessary
3 under the circumstances.

4 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
5 to prevent any employee of a public utility, as defined in R.S.48:2-13,
6 doing business in this State or any United States Postal Service
7 employee, while in the actual performance of duties which specifically
8 require regular and frequent visits to private premises, from
9 possessing, carrying or using any device which projects, releases or
10 emits any substance specified as being noninjurious to canines or other
11 animals by the Commissioner of Health and which immobilizes only on
12 a temporary basis and produces only temporary physical discomfort
13 through being vaporized or otherwise dispensed in the air for the sole
14 purpose of repelling canine or other animal attacks.

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

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

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

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

37 Such exempt person shall not possess or carry a firearm until the
38 person has satisfactorily completed a firearms training course and shall
39 annually qualify in the use of a revolver or similar weapon. For
40 purposes of this subsection, a "firearms training course" means a
41 course of instruction in the safe use, maintenance and storage of
42 firearms which is approved by the Police Training Commission. The
43 commission shall approve a firearms training course if the
44 requirements of the course are substantially equivalent to the
45 requirements for firearms training provided by police training courses
46 which are certified under section 6 of P.L.1961, c.56 (C.52:17B-71).

1 A person who is specified in paragraph (1), (2), (3) or (6) of
2 subsection a. of this section shall be exempt from the requirements of
3 this subsection.

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

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

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12 3. This act shall take effect immediately.

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STATEMENT

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17 This bill grants duly appointed probation officers Statewide police
18 powers.

19 Under the provisions of the bill, probation officers who are
20 appointed in accordance with the provisions of N.J.S.2A:168-5 and
21 who successfully complete a police training program approved by the
22 Police Training Commission are empowered to act as officers for the
23 detection, apprehension, arrest and conviction of offenders against the
24 law and shall have full power of arrest for any crime committed in their
25 presence anywhere within the State.

26 The bill also authorizes duly appointed and trained probation
27 officers to carry a firearm while in the actual performance of their
28 duties.

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33 Grants police powers to certain probation officers.