

SENATE, No. 1536

STATE OF NEW JERSEY

INTRODUCED OCTOBER 3, 1996

By Senator RICE

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 not be
30 deemed regular police officers.

31 The funding for the establishment and maintenance of a housing
32 authority police force in accordance with an ordinance enacted
33 pursuant to this section shall be provided by the municipal housing
34 authority. The housing authority may request from the governing

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 body of the municipality reimbursement for a portion of the costs
2 associated with appointing, training, and compensating a housing
3 authority police force established under the provisions of this section.
4 The governing body may decide, but shall not be required, to
5 reimburse the housing authority in the amount requested or in any
6 other lesser amount the governing body may choose.

7

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

12 a. Is a resident of this State;

13 b. Is able to read, write and speak the English language and has a
14 high school diploma or its equivalent;

15 c. Is sound in body and of good health;

16 d. Is of good moral character and has not been convicted of any
17 offense involving dishonesty or which would make him unfit to
18 perform the duties of the office; and

19 e. Has successfully undergone the same psychological testing that
20 is required of all full-time police officers in the municipality.

21

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

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

41 c. Any person appointed as a housing authority police officer, who
42 at any time prior to his appointment had served as a duly qualified,
43 fully-trained, full-time law enforcement officer in any municipality of
44 this State and who was separated from that prior service in good
45 standing, shall be eligible to serve as a housing authority police officer
46 consistent with guidelines promulgated by the Police Training

1 Commission. The training requirements set forth in subsection a. of
2 this section may be waived by the commission with regard to any
3 person described in this subsection who is appointed as a housing
4 authority police officer.

5
6 4. (New section) Each housing authority police officer, when on
7 duty, except when employed as a detective, shall wear in plain view a
8 name plate and a metallic shield or device, in a style prescribed by the
9 municipality, with the words: "(Name of municipality) Housing
10 Authority Police."

11
12 5. N.J.S.2C:39-6 is amended to read as follows:

13 2C:39-6. a. Provided a person complies with the requirements of
14 subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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

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

22 (3) Members of the State Police and, under conditions prescribed by
23 the superintendent, members of the Marine Law Enforcement Bureau
24 of the Division of State Police;

25 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
26 assistant prosecutor, prosecutor's detective or investigator, deputy
27 attorney general or State investigator employed by the Division of
28 Criminal Justice of the Department of Law and Public Safety,
29 investigator employed by the State Commission of Investigation,
30 inspector of the Alcoholic Beverage Control Enforcement Bureau of
31 the Division of State Police in the Department of Law and Public
32 Safety authorized to carry such weapons by the Superintendent of
33 State Police, State park ranger, or State conservation officer;

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

42 (6) A civilian employee of the United States Government under the
43 supervision of the commanding officer of any post, camp, station, base
44 or other military or naval installation located in this State who is
45 required, in the performance of his official duties, to carry firearms,
46 and who is authorized to carry such firearms by said commanding

- 1 officer, while in the actual performance of his official duties;
- 2 (7) (a) A regularly employed member, including a detective, of the
3 police department of any county or municipality, or of any State,
4 interstate, municipal or county park police force or boulevard police
5 force, at all times while in the State of New Jersey;
- 6 (b) A special law enforcement officer authorized to carry a weapon
7 as provided in subsection b. of section 7 of P.L.1985, c.439
8 (C.40A:14-146.14);
- 9 (c) An airport security officer or a special law enforcement officer
10 appointed by the governing body of any county or municipality, except
11 as provided in subsection b. of this section, or by the commission,
12 board or other body having control of a county park or airport or
13 boulevard police force, while engaged in the actual performance of his
14 official duties and when specifically authorized by the governing body
15 to carry weapons;
- 16 (8) A full-time, paid member of a paid or part-paid fire department
17 or force of any municipality who is assigned full-time or part-time to
18 an arson investigation unit created pursuant to section 1 of P.L.1981,
19 c.409 (C.40A:14-7.1) or to the county arson investigation unit in the
20 county prosecutor's office, while either engaged in the actual
21 performance of arson investigation duties or while actually on call to
22 perform arson investigation duties and when specifically authorized by
23 the governing body or the county prosecutor, as the case may be, to
24 carry weapons. Prior to being permitted to carry a firearm, such a
25 member shall take and successfully complete a firearms training course
26 administered by the Police Training Commission pursuant to P.L.1961,
27 c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a
28 revolver or similar weapon prior to being permitted to carry a firearm;
- 29 (9) A juvenile corrections officer in the employment of the Juvenile
30 Justice Commission established pursuant to section 2 of P.L.1995,
31 c.284 (C.52:17B-170) subject to the regulations promulgated by the
32 commission.
- 33 b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:
- 34 (1) A law enforcement officer employed by a governmental agency
35 outside of the State of New Jersey while actually engaged in his
36 official duties, provided, however, that he has first notified the
37 superintendent or the chief law enforcement officer of the municipality
38 or the prosecutor of the county in which he is engaged; or
- 39 (2) A licensed dealer in firearms and his registered employees during
40 the course of their normal business while traveling to and from their
41 place of business and other places for the purpose of demonstration,
42 exhibition or delivery in connection with a sale, provided, however,
43 that the weapon is carried in the manner specified in subsection g. of
44 this section.
- 45 c. Provided a person complies with the requirements of subsection
46 j. of this section, subsections b. and c. of N.J.S.2C:39-5 do not apply

1 to:

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

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

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

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

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

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

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

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

28 (9) A railway policeman, except a transit police officer of the New
29 Jersey Transit Police Department, at all times while in the State of
30 New Jersey, provided that he has passed an approved police academy
31 training program consisting of at least 280 hours. The training
32 program shall include, but need not be limited to, the handling of
33 firearms, community relations, and juvenile relations;

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

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

46 (12) A transit police officer of the New Jersey Transit Police

1 Department, at all times while in the State of New Jersey, provided the
2 officer has satisfied the training requirements of the Police Training
3 Commission, pursuant to subsection c. of section 2 of P.L.1989, c.291
4 (C.27:25-15.1);

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

12 (14) A Human Services police officer at all times while in the State
13 of New Jersey, as authorized by the Commissioner of Human Services;
14 or

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

18 (16) A housing authority police officer appointed under P.L. c.
19 (C.) (now pending before the Legislature as this bill), while going to
20 and from his place of duty and while in the course of performing
21 official duties.

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

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

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

41 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of
42 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded
43 or fired by one eligible to possess an antique cannon, for purposes of
44 exhibition or demonstration at an authorized target range or in the
45 manner as has been approved in writing by the chief law enforcement
46 officer of the municipality in which the exhibition or demonstration is

1 held, or if not held on property under the control of a particular
2 municipality, the superintendent, provided that performer has given at
3 least 30 days' notice to the superintendent.

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

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

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

28 (1) A member of any rifle or pistol club organized in accordance
29 with the rules prescribed by the National Board for the Promotion of
30 Rifle Practice, in going to or from a place of target practice, carrying
31 such firearms as are necessary for said target practice, provided that
32 the club has filed a copy of its charter with the superintendent and
33 annually submits a list of its members to the superintendent and
34 provided further that the firearms are carried in the manner specified
35 in subsection g. of this section;

36 (2) A person carrying a firearm or knife in the woods or fields or
37 upon the waters of this State for the purpose of hunting, target
38 practice or fishing, provided that the firearm or knife is legal and
39 appropriate for hunting or fishing purposes in this State and he has in
40 his possession a valid hunting license, or, with respect to fresh water
41 fishing, a valid fishing license;

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

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

46 (b) Directly to or from any target range, or other authorized place

1 for the purpose of practice, match, target, trap or skeet shooting
2 exhibitions, provided in all cases that during the course of the travel
3 all firearms are carried in the manner specified in subsection g. of this
4 section and the person has complied with all the provisions and
5 requirements of Title 23 of the Revised Statutes and any amendments
6 thereto and all rules and regulations promulgated thereunder; or

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

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

22 g. All weapons being transported under paragraph (2) of subsection
23 b., subsection e., or paragraph (1) or (3) of subsection f. of this
24 section shall be carried unloaded and contained in a closed and
25 fastened case, gunbox, securely tied package, or locked in the trunk of
26 the automobile in which it is being transported, and in the course of
27 travel shall include only such deviations as are reasonably necessary
28 under the circumstances.

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

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

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

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

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

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

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

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

36

37 6. This act shall take effect immediately.

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STATEMENT

41

42 This bill permits the governing body of a municipality of the first
43 class with a population of more than 270,000 persons, according to
44 the 1990 federal decennial census, to establish, by ordinance, a
45 housing authority police force to patrol housing authority grounds,
46 buildings, facilities and other areas. The ordinance is to provide for

1 the maintenance, regulation, compensation and control of the force
2 either as a separate department or as a division or unit of the municipal
3 police force; however, the officers of the housing authority police
4 force will not be deemed regular municipal police officers. If the
5 housing authority police force is established as a separate municipal
6 department, the appropriate authority for the force is to be the same
7 as the appropriate authority for the municipal police force.

8 A person appointed as a housing authority police officer must meet
9 the same qualification standards and training requirements that
10 municipal law enforcement officers are statutorily required to meet.
11 After successful completion of the training requirements, a housing
12 authority police officer will be granted general police powers and may
13 carry a weapon while on-duty.

14 The municipal housing authority would be responsible for the
15 funding of the police force. However, the housing authority may
16 request of the governing body of the municipality reimbursement for
17 a portion of the costs associated with the appointment, training, and
18 compensation of housing authority police officers.

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23 _____
24 Permits certain municipalities to establish housing authority police
force.