

# ASSEMBLY, No. 3236

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 8, 2018

**Sponsored by:**

**Assemblyman R. BRUCE LAND**

**District 1 (Atlantic, Cape May and Cumberland)**

**Assemblyman BOB ANDRZEJCZAK**

**District 1 (Atlantic, Cape May and Cumberland)**

**Assemblyman PARKER SPACE**

**District 24 (Morris, Sussex and Warren)**

**Co-Sponsored by:**

**Assemblymen Giblin and Johnson**

**SYNOPSIS**

Renames county corrections officers as county correctional police officers.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 9/25/2018)**

1 AN ACT concerning county corrections officers, supplementing  
2 Title 40A of the New Jersey Statutes, and amending various  
3 parts of the statutory law.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. (New section) a. The Civil Service Commission shall  
9 effectuate the following title changes in the career service:

10 (1) County correction captain shall be retitled as county  
11 correctional police captain;

12 (2) County correction lieutenant shall be retitled as county  
13 correctional police lieutenant;

14 (3) County correction officer shall be retitled as county  
15 correctional police officer; and

16 (4) County correction sergeant shall be retitled as county  
17 correctional police sergeant.

18 b. In a county in which Title 11A, Civil Service, of the New  
19 Jersey Statutes, is not operative, every county corrections officer  
20 title shall be changed to a county correctional police officer title.

21 c. Any fees associated with the retitling pursuant to subsections  
22 a. and b. of this section shall be borne by the county corrections  
23 officer whose title is changed.

24  
25 2. N.J.S.2A:154-3 is amended to read as follows:

26 2A:154-3. a. All court attendants, sheriff's officers, and county  
27 **correction** correctional police officers in the competitive class of  
28 civil service who have been or who may hereafter be appointed by  
29 the sheriff or board of chosen freeholders of any county in this State  
30 shall, by virtue of **such** the appointment and in addition to any  
31 other power or authority, be empowered to act as officers for the  
32 detection, apprehension, arrest, and conviction of offenders against  
33 the law.

34 b. In addition to the powers set forth in subsection a. of this  
35 section, any county **correction** correctional police officer who has  
36 satisfactorily completed a basic training course approved by the  
37 Police Training Commission, as provided by P.L.1961, c.56  
38 (C.52:17B-66 et seq.), shall have full power of arrest for any crime  
39 committed in **his** the officer's presence anywhere within the  
40 territorial limits of the State of New Jersey.

41 c. A county **correction** correctional police officer who has  
42 full power of arrest pursuant to subsection b. of this section, and is  
43 acting under lawful authority beyond the territorial limits of **his**  
44 the employing county, shall have all of the immunities from tort

**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 liability and shall have all of the pension, relief, disability, workers'  
2 compensation, insurance, and other benefits enjoyed while  
3 performing duties within the employing county.

4 (cf: P.L.1996, c.40, s.1)

5  
6 3. Section 1 of P.L.1993, c.247 (C.43:16A-3.8) is amended to  
7 read as follows:

8 1. a. The following are eligible, regardless of age, to become  
9 members of the Police and Firemen's Retirement System of New  
10 Jersey (PFRS) as provided in this supplementary act:

11 (1) any policeman or fireman employed on the effective date of  
12 this supplementary act by a municipality, which was not required to  
13 participate in PFRS under section 3 of P.L.1944, c.255 (C.43:16A-  
14 3) and has not adopted that act, who meets the requirements for  
15 membership in PFRS as set forth in the definitions of "Policeman"  
16 and "Fireman" in section 1 of that act, as amended and  
17 supplemented, and who is enrolled in the Public Employees'  
18 Retirement System of New Jersey (PERS) on that date;

19 (2) any policeman employed on the effective date of this  
20 supplementary act by a county who is enrolled in PERS on that  
21 date;

22 (3) any sheriff's officer, sergeant sheriff's officer, lieutenant  
23 sheriff's officer, captain sheriff's officer, chief sheriff's officer, or  
24 sheriff's investigator employed on the effective date of this  
25 supplementary act in the offices of the county sheriffs who is  
26 enrolled in PERS on that date;

27 (4) any **correction** State correctional police officer, senior  
28 **correction** correctional police officer, **correction officer**  
29 correctional police sergeant, **correction officer** correctional police  
30 lieutenant, **correction officer** correctional police captain,  
31 investigator, senior investigator, principal investigator, assistant  
32 chief investigator, chief investigator, or director of custody  
33 operations I, II, III employed on the effective date of this  
34 supplementary act in the Department of Corrections who is enrolled  
35 in PERS on that date;

36 (5) any county **correction** correctional police officer, county  
37 **correction** correctional police sergeant, county **correction**  
38 correctional police lieutenant, county **correction** correctional  
39 police captain, or county deputy warden employed on the effective  
40 date of this supplementary act in the several county jails who is  
41 enrolled in PERS on that date;

42 (6) any principal inspector employed on the effective date of  
43 this supplementary act in the Alcoholic Beverage Control  
44 Enforcement Bureau, Department of Law and Public Safety who is  
45 enrolled in PERS on that date;

46 (7) any police officer, police sergeant, or police lieutenant  
47 employed on the effective date of this supplementary act in the

1 Department of Human Services who is enrolled in PERS on that  
2 date; and

3 (8) any fireman employed on the effective date of this  
4 supplementary act by a fire district in which the provisions of  
5 P.L.1944, c.255 (C.43:16A-1 et seq.) are not operative who meets  
6 the requirements for membership in PFRS as set forth in the  
7 definition of "Fireman" in section 1 of that act, as amended and  
8 supplemented, and who is enrolled in PERS on that date.

9 b. Any person eligible pursuant to subsection a. of this section  
10 to become a member of PFRS may, regardless of age, transfer  
11 membership from PERS to PFRS in accordance with the provisions  
12 of the law and regulations governing the retirement system relative  
13 to interfund transfers by waiving, within 90 days of the effective  
14 date of this supplementary act, all rights and benefits which would  
15 otherwise be provided by PERS. If an eligible person does not file  
16 a timely waiver of PERS benefits, the person's pension status shall  
17 remain unchanged and the person's membership shall not be  
18 transferred to PFRS. Transfers under this section shall take effect  
19 on the first day of the first full calendar month following the  
20 effective date of this supplementary act by at least 180 days. PERS  
21 shall transmit to PFRS an amount equal to the present value of the  
22 benefit under PERS accrued to the date of transfer by each person  
23 transferring to PFRS. The service credit accrued in PERS to the  
24 date of transfer shall be transferred to PFRS and may be used to  
25 meet any service credit requirement for benefits under PFRS. Any  
26 benefit of a member who transfers membership from PERS to PFRS  
27 under this supplementary act based upon service credit shall be the  
28 amount of benefit determined as provided under PFRS based upon  
29 the total amount of service credit multiplied by the ratio of the  
30 service credit under PFRS from the date of transfer to the total  
31 amount of service credit, plus a benefit comparable to a PERS  
32 deferred, early or regular service retirement benefit, as appropriate,  
33 based upon the age of the member at the time of retirement and the  
34 amount of PERS service credit transferred to PFRS, determined as  
35 provided under the law and regulations governing PERS for the  
36 benefit. The total amount of service credit in PFRS, including the  
37 transferred PERS service credit, may be used to meet the service  
38 credit requirement for the benefit comparable to a PERS deferred or  
39 early retirement benefit, but the benefit shall be calculated only on  
40 the transferred PERS service credit.

41 Active and retired death benefits, accidental death benefits, and  
42 ordinary and accidental disability retirement benefits for members  
43 transferring to PFRS under this supplementary act shall be the  
44 benefits provided under PFRS.

45 For members transferring to PFRS under this supplementary act,  
46 the widows' or widowers' pensions provided under section 26 of  
47 P.L.1967, c.250 (C.43:16A-12.1) shall be the amount of the benefit  
48 determined as provided in section 26 multiplied by the ratio of the

1 service credit under PFRS from the date of transfer to the total  
2 amount of service credit. Transferring members shall be entitled to  
3 elect optional retirement allowances for the portions of their  
4 retirement benefits based upon their PERS service credit as  
5 provided under the laws and regulations governing selection of  
6 optional retirement allowances under PERS.

7 (cf: P.L.1993, c.247, s.1)

8  
9 4. N.J.S.2C:12-1 is amended to read as follows:

10 2C:12-1. Assault. a. Simple assault. A person is guilty of  
11 assault if **[he]** the person:

12 (1) Attempts to cause or purposely, knowingly or recklessly  
13 causes bodily injury to another; or

14 (2) Negligently causes bodily injury to another with a deadly  
15 weapon; or

16 (3) Attempts by physical menace to put another in fear of  
17 imminent serious bodily injury.

18 Simple assault is a disorderly persons offense unless committed  
19 in a fight or scuffle entered into by mutual consent, in which case it  
20 is a petty disorderly persons offense.

21 b. Aggravated assault. A person is guilty of aggravated assault  
22 if **[he]** the person:

23 (1) Attempts to cause serious bodily injury to another, or causes  
24 **[such]** injury purposely or knowingly or under circumstances  
25 manifesting extreme indifference to the value of human life  
26 recklessly causes such injury; or

27 (2) Attempts to cause or purposely or knowingly causes bodily  
28 injury to another with a deadly weapon; or

29 (3) Recklessly causes bodily injury to another with a deadly  
30 weapon; or

31 (4) Knowingly under circumstances manifesting extreme  
32 indifference to the value of human life points a firearm, as defined  
33 in subsection f. of N.J.S.2C:39-1, at or in the direction of another,  
34 whether or not the actor believes it to be loaded; or

35 (5) Commits a simple assault as defined in paragraph (1), (2) or  
36 (3) of subsection a. of this section upon:

37 (a) Any law enforcement officer acting in the performance of  
38 **[his]** the officer's duties while in uniform or exhibiting evidence of  
39 **[his]** authority or because of **[his]** the officer's status as a law  
40 enforcement officer; or

41 (b) Any paid or volunteer **[fireman]** firefighter acting in the  
42 performance of **[his]** the firefighter's duties while in uniform or  
43 otherwise clearly identifiable as being engaged in the performance  
44 of the duties of a **[fireman]** firefighter; or

45 (c) Any person engaged in emergency first-aid or medical  
46 services acting in the performance of **[his]** the person's duties

1 while in uniform or otherwise clearly identifiable as being engaged  
2 in the performance of emergency first-aid or medical services; or

3 (d) Any school board member, school administrator, teacher,  
4 school bus driver, or other employee of a public or nonpublic  
5 school or school board while clearly identifiable as being engaged  
6 in the performance of **【his】** the person's duties or because of **【his】**  
7 the person's status as a member or employee of a public or  
8 nonpublic school or school board or any school bus driver  
9 employed by an operator under contract to a public or nonpublic  
10 school or school board while clearly identifiable as being engaged  
11 in the performance of **【his】** the person's duties or because of **【his】**  
12 the person's status as a school bus driver; or

13 (e) Any employee of the Division of Child Protection and  
14 Permanency while clearly identifiable as being engaged in the  
15 performance of **【his】** the employee's duties or because of **【his】** the  
16 status as an employee of the division; or

17 (f) Any justice of the Supreme Court, judge of the Superior  
18 Court, judge of the Tax Court or municipal judge while clearly  
19 identifiable as being engaged in the performance of judicial duties  
20 or because of **【his】** the status as a member of the judiciary; or

21 (g) Any operator of a motorbus or the operator's supervisor or  
22 any employee of a rail passenger service while clearly identifiable  
23 as being engaged in the performance of **【his】** the person's duties or  
24 because of **【his】** the status as an operator of a motorbus or as the  
25 operator's supervisor or as an employee of a rail passenger service;  
26 or

27 (h) Any Department of Corrections employee, county  
28 **【corrections】** correctional police officer, juvenile **【corrections】**  
29 correctional police officer, State juvenile facility employee, juvenile  
30 detention staff member, juvenile detention officer, probation officer  
31 or any sheriff, undersheriff, or sheriff's officer acting in the  
32 performance of **【his】** the person's duties while in uniform or  
33 exhibiting evidence of **【his】** the person's authority or because of  
34 **【his】** the status as a Department of Corrections employee, county  
35 **【corrections】** correctional police officer, juvenile **【corrections】**  
36 correctional police officer, State juvenile facility employee, juvenile  
37 detention staff member, juvenile detention officer, probation  
38 officer, sheriff, undersheriff, or sheriff's officer; or

39 (i) Any employee, including any person employed under  
40 contract, of a utility company as defined in section 2 of P.L.1971,  
41 c.224 (C.2A:42-86) or a cable television company subject to the  
42 provisions of the "Cable Television Act," P.L.1972, c.186  
43 (C.48:5A-1 et seq.) while clearly identifiable as being engaged in  
44 the performance of **【his】** the employee's duties in regard to  
45 connecting, disconnecting, or repairing or attempting to connect,  
46 disconnect, or repair any gas, electric, or water utility, or cable  
47 television or telecommunication service; or

1 (j) Any health care worker employed by a licensed health care  
2 facility to provide direct patient care, any health care professional  
3 licensed or otherwise authorized pursuant to Title 26 or Title 45 of  
4 the Revised Statutes to practice a health care profession, except a  
5 direct care worker at a State or county psychiatric hospital or State  
6 developmental center or veterans' memorial home, while clearly  
7 identifiable as being engaged in the duties of providing direct  
8 patient care or practicing the health care profession; or

9 (k) Any direct care worker at a State or county psychiatric  
10 hospital or State developmental center or veterans' memorial home,  
11 while clearly identifiable as being engaged in the duties of  
12 providing direct patient care or practicing the health care  
13 profession, provided that the actor is not a patient or resident at the  
14 facility who is classified by the facility as having a mental illness or  
15 developmental disability; or

16 (6) Causes bodily injury to another person while fleeing or  
17 attempting to elude a law enforcement officer in violation of  
18 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in  
19 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any  
20 other provision of law to the contrary, a person shall be strictly  
21 liable for a violation of this paragraph upon proof of a violation of  
22 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in  
23 violation of subsection c. of N.J.S.2C:20-10 which resulted in  
24 bodily injury to another person; or

25 (7) Attempts to cause significant bodily injury to another or  
26 causes significant bodily injury purposely or knowingly or, under  
27 circumstances manifesting extreme indifference to the value of  
28 human life recklessly causes such significant bodily injury; or

29 (8) Causes bodily injury by knowingly or purposely starting a  
30 fire or causing an explosion in violation of N.J.S.2C:17-1 which  
31 results in bodily injury to any emergency services personnel  
32 involved in fire suppression activities, rendering emergency  
33 medical services resulting from the fire or explosion or rescue  
34 operations, or rendering any necessary assistance at the scene of the  
35 fire or explosion, including any bodily injury sustained while  
36 responding to the scene of a reported fire or explosion. For  
37 purposes of this paragraph, "emergency services personnel" shall  
38 include, but not be limited to, any paid or volunteer **fireman**  
39 firefighter, any person engaged in emergency first-aid or medical  
40 services and any law enforcement officer. Notwithstanding any  
41 other provision of law to the contrary, a person shall be strictly  
42 liable for a violation of this paragraph upon proof of a violation of  
43 N.J.S.2C:17-1 which resulted in bodily injury to any emergency  
44 services personnel; or

45 (9) Knowingly, under circumstances manifesting extreme  
46 indifference to the value of human life, points or displays a firearm,  
47 as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of  
48 a law enforcement officer; or

1 (10) Knowingly points, displays or uses an imitation firearm, as  
2 defined in subsection v. of N.J.S.2C:39-1, at or in the direction of a  
3 law enforcement officer with the purpose to intimidate, threaten, or  
4 attempt to put the officer in fear of bodily injury or for any unlawful  
5 purpose; or

6 (11) Uses or activates a laser sighting system or device, or a  
7 system or device which, in the manner used, would cause a  
8 reasonable person to believe that it is a laser sighting system or  
9 device, against a law enforcement officer acting in the performance  
10 of **[his]** the officer's duties while in uniform or exhibiting evidence  
11 of **[his]** the officer's authority. As used in this paragraph, "laser  
12 sighting system or device" means any system or device that is  
13 integrated with or affixed to a firearm and emits a laser light beam  
14 that is used to assist in the sight alignment or aiming of the firearm;  
15 or

16 (12) Attempts to cause significant bodily injury or causes  
17 significant bodily injury purposely or knowingly or, under  
18 circumstances manifesting extreme indifference to the value of  
19 human life, recklessly causes significant bodily injury to a person  
20 who, with respect to the actor, meets the definition of a victim of  
21 domestic violence, as defined in subsection d. of section 3 of  
22 P.L.1991, c.261 (C.2C:25-19); or

23 (13) Knowingly or, under circumstances manifesting extreme  
24 indifference to the value of human life, recklessly obstructs the  
25 breathing or blood circulation of a person who, with respect to the  
26 actor, meets the definition of a victim of domestic violence, as  
27 defined in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-  
28 19), by applying pressure on the throat or neck or blocking the nose  
29 or mouth of such person, thereby causing or attempting to cause  
30 bodily injury.

31 Aggravated assault under paragraphs (1) and (6) of subsection b.  
32 of this section is a crime of the second degree; under paragraphs  
33 (2), (7), (9) and (10) of subsection b. of this section is a crime of the  
34 third degree; under paragraphs (3) and (4) of subsection b. of this  
35 section is a crime of the fourth degree; and under paragraph (5) of  
36 subsection b. of this section is a crime of the third degree if the  
37 victim suffers bodily injury, otherwise it is a crime of the fourth  
38 degree. Aggravated assault under paragraph (8) of subsection b. of  
39 this section is a crime of the third degree if the victim suffers bodily  
40 injury; if the victim suffers significant bodily injury or serious  
41 bodily injury it is a crime of the second degree. Aggravated assault  
42 under paragraph (11) of subsection b. of this section is a crime of  
43 the third degree. Aggravated assault under paragraph (12) or (13)  
44 of subsection b. of this section is a crime of the third degree but the  
45 presumption of non-imprisonment set forth in subsection e. of  
46 N.J.S.2C:44-1 for a first offense of a crime of the third degree shall  
47 not apply.



1 c. (1) A person is guilty of assault by auto or vessel when the  
2 person drives a vehicle or vessel recklessly and causes either  
3 serious bodily injury or bodily injury to another. Assault by auto or  
4 vessel is a crime of the fourth degree if serious bodily injury results  
5 and is a disorderly persons offense if bodily injury results. Proof  
6 that the defendant was operating a hand-held wireless telephone  
7 while driving a motor vehicle in violation of section 1 of P.L.2003,  
8 c.310 (C.39:4-97.3) may give rise to an inference that the defendant  
9 was driving recklessly.

10 (2) Assault by auto or vessel is a crime of the third degree if the  
11 person drives the vehicle while in violation of R.S.39:4-50 or  
12 section 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily  
13 injury results and is a crime of the fourth degree if the person drives  
14 the vehicle while in violation of R.S.39:4-50 or section 2 of  
15 P.L.1981, c.512 (C.39:4-50.4a) and bodily injury results.

16 (3) Assault by auto or vessel is a crime of the second degree if  
17 serious bodily injury results from the defendant operating the auto  
18 or vessel while in violation of R.S.39:4-50 or section 2 of P.L.1981,  
19 c.512 (C.39:4-50.4a) while:

20 (a) on any school property used for school purposes which is  
21 owned by or leased to any elementary or secondary school or school  
22 board, or within 1,000 feet of such school property;

23 (b) driving through a school crossing as defined in R.S.39:1-1 if  
24 the municipality, by ordinance or resolution, has designated the  
25 school crossing as such; or

26 (c) driving through a school crossing as defined in R.S.39:1-1  
27 knowing that juveniles are present if the municipality has not  
28 designated the school crossing as such by ordinance or resolution.

29 Assault by auto or vessel is a crime of the third degree if bodily  
30 injury results from the defendant operating the auto or vessel in  
31 violation of this paragraph.

32 A map or true copy of a map depicting the location and  
33 boundaries of the area on or within 1,000 feet of any property used  
34 for school purposes which is owned by or leased to any elementary  
35 or secondary school or school board produced pursuant to section 1  
36 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under  
37 subparagraph (a) of paragraph (3) of this subsection.

38 It shall be no defense to a prosecution for a violation of  
39 subparagraph (a) or (b) of paragraph (3) of this subsection that the  
40 defendant was unaware that the prohibited conduct took place while  
41 on or within 1,000 feet of any school property or while driving  
42 through a school crossing. Nor shall it be a defense to a prosecution  
43 under subparagraph (a) or (b) of paragraph (3) of this subsection  
44 that no juveniles were present on the school property or crossing  
45 zone at the time of the offense or that the school was not in session.

46 (4) Assault by auto or vessel is a crime of the third degree if the  
47 person purposely drives a vehicle in an aggressive manner directed  
48 at another vehicle and serious bodily injury results and is a crime of

1 the fourth degree if the person purposely drives a vehicle in an  
2 aggressive manner directed at another vehicle and bodily injury  
3 results. For purposes of this paragraph, "driving a vehicle in an  
4 aggressive manner" shall include, but is not limited to,  
5 unexpectedly altering the speed of the vehicle, making improper or  
6 erratic traffic lane changes, disregarding traffic control devices,  
7 failing to yield the right of way, or following another vehicle too  
8 closely.

9 As used in this subsection, "vessel" means a means of  
10 conveyance for travel on water and propelled otherwise than by  
11 muscular power.

12 d. A person who is employed by a facility as defined in section  
13 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as  
14 defined in paragraph (1) or (2) of subsection a. of this section upon  
15 an institutionalized elderly person as defined in section 2 of  
16 P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth  
17 degree.

18 e. (Deleted by amendment, P.L.2001, c.443).

19 f. A person who commits a simple assault as defined in  
20 paragraph (1), (2) or (3) of subsection a. of this section in the  
21 presence of a child under 16 years of age at a school or community  
22 sponsored youth sports event is guilty of a crime of the fourth  
23 degree. The defendant shall be strictly liable upon proof that the  
24 offense occurred, in fact, in the presence of a child under 16 years  
25 of age. It shall not be a defense that the defendant did not know  
26 that the child was present or reasonably believed that the child was  
27 16 years of age or older. The provisions of this subsection shall not  
28 be construed to create any liability on the part of a participant in a  
29 youth sports event or to abrogate any immunity or defense available  
30 to a participant in a youth sports event. As used in this act, "school  
31 or community sponsored youth sports event" means a competition,  
32 practice, or instructional event involving one or more  
33 interscholastic sports teams or youth sports teams organized  
34 pursuant to a nonprofit or similar charter or which are member  
35 teams in a youth league organized by or affiliated with a county or  
36 municipal recreation department and shall not include collegiate,  
37 semi-professional or professional sporting events.

38 (cf: P.L.2017, c.240, s.1)

39  
40 5. Section 2 of P.L.1997, c.182 (C.2C:12-13) is amended to  
41 read as follows:

42 2. A person who throws a bodily fluid at a Department of  
43 Corrections employee, county **【corrections】** correctional police  
44 officer, juvenile **【corrections】** correctional police officer, State  
45 juvenile facility employee, juvenile detention staff member,  
46 probation officer, any sheriff, undersheriff or sheriff's officer or any  
47 municipal, county, or State law enforcement officer while in the  
48 performance of **【his】** the person's duties or otherwise purposely

1 subjects such employee to contact with a bodily fluid commits an  
2 aggravated assault. If the victim suffers bodily injury, this shall be  
3 a crime of the third degree. Otherwise, this shall be a crime of the  
4 fourth degree. A term of imprisonment imposed for this offense  
5 shall run consecutively to any term of imprisonment currently being  
6 served and to any other term imposed for another offense  
7 committed at the time of the assault. Nothing herein shall be  
8 deemed to preclude, if the evidence so warrants, an indictment and  
9 conviction for a violation or attempted violation of chapter 11 of  
10 Title 2C of the New Jersey Statutes or subsection b. of N.J.S.2C:12-  
11 1 or any other provision of the criminal laws.

12 (cf: P.L.2003, c.283, s.1)

13

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

15 2C:39-6. a. Provided a person complies with the requirements of  
16 subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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

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

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

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

36 (5) Except as hereinafter provided, a State correctional police  
37 officer, or a prison or jail warden of any penal institution in this  
38 State or **his** the warden's deputies, or an employee of the  
39 Department of Corrections engaged in the interstate transportation  
40 of convicted offenders, while in the performance of **his** the  
41 employee's duties, and when required to possess the weapon by  
42 **his** a superior officer, or a corrections officer or keeper of a penal  
43 institution in this State at all times while in the State of New Jersey,  
44 provided **he** the person annually passes an examination approved  
45 by the superintendent testing **his** the person's proficiency in the  
46 handling of firearms;

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

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

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

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

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

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

40 (10) A designated employee or designated licensed agent for a  
41 nuclear power plant under license of the Nuclear Regulatory  
42 Commission, while in the actual performance of **his** the person's  
43 official duties, if the federal licensee certifies that the designated  
44 employee or designated licensed agent is assigned to perform site  
45 protection, guard, armed response or armed escort duties and is  
46 appropriately trained and qualified, as prescribed by federal  
47 regulation, to perform those duties. Any firearm utilized by an  
48 employee or agent for a nuclear power plant pursuant to this

1 paragraph shall be returned each day at the end of the employee's or  
2 agent's authorized official duties to the employee's or agent's  
3 supervisor. All firearms returned each day pursuant to this  
4 paragraph shall be stored in locked containers located in a secure  
5 area;

6 (11) A county **【corrections】** correctional police officer at all  
7 times while in the State of New Jersey, provided **【he】** the officer  
8 annually passes an examination approved by the superintendent  
9 testing **【his】** the officer's proficiency in the handling of firearms.

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

11 (1) A law enforcement officer employed by a governmental  
12 agency outside of the State of New Jersey while actually engaged in  
13 **【his】** the officer's official duties, provided, however, that **【he】** the  
14 officer has first notified the superintendent or the chief law  
15 enforcement officer of the municipality or the prosecutor of the  
16 county in which **【he】** the officer is engaged; or

17 (2) A licensed dealer in firearms and **【his】** the dealer's  
18 registered employees during the course of their normal business  
19 while traveling to and from their place of business and other places  
20 for the purpose of demonstration, exhibition, or delivery in  
21 connection with a sale, provided, however, that the weapon is  
22 carried in the manner specified in subsection g. of this section.

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

26 (1) A special agent of the Division of Taxation who has passed  
27 an examination in an approved police training program testing  
28 proficiency in the handling of any firearm which **【he】** the agent  
29 may be required to carry, while in the actual performance of **【his】**  
30 the agent's official duties and while going to or from **【his】** the  
31 agent's place of duty, or any other police officer, while in the actual  
32 performance of **【his】** the officer's official duties;

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

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

38 (4) A court attendant appointed by the sheriff of the county or  
39 by the judge of any municipal court or other court of this State,  
40 while in the actual performance of **【his】** the attendant's official  
41 duties;

42 (5) A guard employed by any railway express company, banking  
43 or building and loan or savings and loan institution of this State,  
44 while in the actual performance of **【his】** the guard's official duties;

45 (6) A member of a legally recognized military organization  
46 while actually under orders or while going to or from the prescribed

1 place of meeting and carrying the weapons prescribed for drill,  
2 exercise or parade;

3 (7) A humane law enforcement officer of the New Jersey  
4 Society for the Prevention of Cruelty to Animals or of a county  
5 society for the prevention of cruelty to animals, while in the actual  
6 performance of **【his】** the officer's duties;

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

9 (9) A railway policeman, except a transit police officer of the  
10 New Jersey Transit Police Department, at all times while in the  
11 State of New Jersey, provided that **【he】** the person has passed an  
12 approved police academy training program consisting of at least  
13 280 hours. The training program shall include, but need not be  
14 limited to, the handling of firearms, community relations, and  
15 juvenile relations;

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

23 (11) (Deleted by amendment, P.L.2003, c.168).

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

29 (13) A parole officer employed by the State Parole Board at all  
30 times. Prior to being permitted to carry a firearm, a parole officer  
31 shall take and successfully complete a basic course for regular  
32 police officer training administered by the Police Training  
33 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and  
34 shall annually qualify in the use of a revolver or similar weapon  
35 prior to being permitted to carry a firearm;

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

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

42 (16) A housing authority police officer appointed under  
43 P.L.1997, c.210 (C.40A:14-146.19 et al.) at all times while in the  
44 State of New Jersey; or

45 (17) A probation officer assigned to the "Probation Officer  
46 Community Safety Unit" created by section 2 of P.L.2001, c.362  
47 (C.2B:10A-2) while in the actual performance of the probation  
48 officer's official duties. Prior to being permitted to carry a firearm,

1 a probation officer shall take and successfully complete a basic  
2 course for regular police officer training administered by the Police  
3 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et  
4 seq.), and shall annually qualify in the use of a revolver or similar  
5 weapon prior to being permitted to carry a firearm.

6 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to  
7 antique firearms, provided that the antique firearms are unloaded or  
8 are being fired for the purposes of exhibition or demonstration at an  
9 authorized target range or in another manner approved in writing by  
10 the chief law enforcement officer of the municipality in which the  
11 exhibition or demonstration is held, or if not held on property under  
12 the control of a particular municipality, the superintendent.

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

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

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

34 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
35 N.J.S.2C:39-5 do not apply to the transportation of unloaded  
36 antique cannons directly to or from exhibitions or demonstrations  
37 authorized under paragraph (4) of subsection d. of this section,  
38 provided that the transportation is in compliance with safety  
39 regulations the superintendent may promulgate. Those subsections  
40 shall not apply to transportation directly to or from exhibitions or  
41 demonstrations authorized under the law of another jurisdiction,  
42 provided that the superintendent has been given 30 days' notice and  
43 that the transportation is in compliance with safety regulations the  
44 superintendent may promulgate.

45 e. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall  
46 be construed to prevent a person keeping or carrying about his place  
47 of business, residence, premises or other land owned or possessed  
48 by him, any firearm, or from carrying the same, in the manner

1 specified in subsection g. of this section, from any place of  
2 purchase to his residence or place of business, between his dwelling  
3 and his place of business, between one place of business or  
4 residence and another when moving, or between his dwelling or  
5 place of business and place where the firearms are repaired, for the  
6 purpose of repair. For the purposes of this section, a place of  
7 business shall be deemed to be a fixed location.

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

10 (1) A member of any rifle or pistol club organized in accordance  
11 with the rules prescribed by the National Board for the Promotion  
12 of Rifle Practice, in going to or from a place of target practice,  
13 carrying firearms necessary for target practice, provided that the  
14 club has filed a copy of its charter with the superintendent and  
15 annually submits a list of its members to the superintendent and  
16 provided further that the firearms are carried in the manner  
17 specified in subsection g. of this section;

18 (2) A person carrying a firearm or knife in the woods or fields  
19 or upon the waters of this State for the purpose of hunting, target  
20 practice or fishing, provided that the firearm or knife is legal and  
21 appropriate for hunting or fishing purposes in this State and he has  
22 in his possession a valid hunting license, or, with respect to fresh  
23 water fishing, a valid fishing license;

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

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

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

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



1 (4) A person from keeping or carrying about a private or  
2 commercial aircraft or any boat, or from transporting to or from the  
3 aircraft or boat for the purpose of installation or repair of a visual  
4 distress signaling device approved by the United States Coast  
5 Guard.

6 g. Any weapon being transported under paragraph (2) of  
7 subsection b., subsection e., or paragraph (1) or (3) of subsection f.  
8 of this section shall be carried unloaded and contained in a closed  
9 and fastened case, gunbox, securely tied package, or locked in the  
10 trunk of the automobile in which it is being transported, and in the  
11 course of travel shall include only deviations as are reasonably  
12 necessary under the circumstances.

13 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed  
14 to prevent any employee of a public utility, as defined in R.S.48:2-  
15 13, doing business in this State or any United States Postal Service  
16 employee, while in the actual performance of duties which  
17 specifically require regular and frequent visits to private premises,  
18 from possessing, carrying or using any device which projects,  
19 releases or emits any substance specified as being noninjurious to  
20 canines or other animals by the Commissioner of Health and which  
21 immobilizes only on a temporary basis and produces only  
22 temporary physical discomfort through being vaporized or  
23 otherwise dispensed in the air for the sole purpose of repelling  
24 canine or other animal attacks.

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

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

32 i. (1) Nothing in N.J.S.2C:39-5 shall be construed to prevent any  
33 person who is 18 years of age or older and who has not been  
34 convicted of a crime, from possession for the purpose of personal  
35 self-defense of one pocket-sized device which contains and releases  
36 not more than three-quarters of an ounce of chemical substance not  
37 ordinarily capable of lethal use or of inflicting serious bodily injury,  
38 but rather, is intended to produce temporary physical discomfort or  
39 disability through being vaporized or otherwise dispensed in the air.  
40 Any person in possession of any device in violation of this  
41 subsection shall be deemed and adjudged to be a disorderly person,  
42 and upon conviction thereof, shall be punished by a fine of not less  
43 than \$100.

44 (2) Notwithstanding the provisions of paragraph (1) of this  
45 subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a  
46 health inspector or investigator operating pursuant to the provisions  
47 of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building  
48 inspector from possessing a device which is capable of releasing

1 more than three-quarters of an ounce of a chemical substance, as  
2 described in paragraph (1), while in the actual performance of the  
3 inspector's or investigator's duties, provided that the device does not  
4 exceed the size of those used by law enforcement.

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

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

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

28 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed  
29 to prevent a law enforcement officer who retired in good standing,  
30 including a retirement because of a disability pursuant to section 6  
31 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255  
32 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1), or any  
33 substantially similar statute governing the disability retirement of  
34 federal law enforcement officers, provided the officer was a  
35 regularly employed, full-time law enforcement officer for an  
36 aggregate of four or more years prior to **his** the officer's  
37 disability retirement and further provided that the disability which  
38 constituted the basis for the officer's retirement did not involve a  
39 certification that the officer was mentally incapacitated for the  
40 performance of **his** the officer's usual law enforcement duties and  
41 any other available duty in the department which **his** the officer's  
42 employer was willing to assign to him or does not subject that  
43 retired officer to any of the disabilities set forth in subsection c. of  
44 N.J.S.2C:58-3 which would disqualify the retired officer from  
45 possessing or carrying a firearm, who semi-annually qualifies in the  
46 use of the handgun **he** the officer is permitted to carry in  
47 accordance with the requirements and procedures established by the  
48 Attorney General pursuant to subsection j. of this section and pays

1 the actual costs associated with those semi-annual qualifications,  
2 who is 75 years of age or younger, and who was regularly employed  
3 as a full-time member of the State Police; a full-time member of an  
4 interstate police force; a full-time member of a county or municipal  
5 police department in this State; a full-time member of a State law  
6 enforcement agency; a full-time sheriff, undersheriff or sheriff's  
7 officer of a county of this State; a full-time State correctional police  
8 officer or county **【corrections】** correctional police officer; a full-  
9 time State or county park police officer; a full-time special agent of  
10 the Division of Taxation; a full-time Human Services police officer;  
11 a full-time transit police officer of the New Jersey Transit Police  
12 Department; a full-time campus police officer exempted pursuant to  
13 paragraph (10) of subsection c. of this section; a full-time State  
14 conservation officer exempted pursuant to paragraph (4) of  
15 subsection a. of this section; a full-time Palisades Interstate Park  
16 officer appointed pursuant to R.S.32:14-21; a full-time Burlington  
17 County Bridge police officer appointed pursuant to section 1 of  
18 P.L.1960, c.168 (C.27:19-36.3); a full-time housing authority police  
19 officer exempted pursuant to paragraph (16) of subsection c. of this  
20 section; a full-time juvenile **【corrections】** correctional police  
21 officer exempted pursuant to paragraph (9) of subsection a. of this  
22 section; a full-time parole officer exempted pursuant to paragraph  
23 (13) of subsection c. of this section; a full-time railway policeman  
24 exempted pursuant to paragraph (9) of subsection c. of this section;  
25 a full-time county prosecutor's detective or investigator; a full-time  
26 federal law enforcement officer; or is a qualified retired law  
27 enforcement officer, as used in the federal "Law Enforcement  
28 Officers Safety Act of 2004," Pub.L. 108-277, domiciled in this  
29 State from carrying a handgun in the same manner as law  
30 enforcement officers exempted under paragraph (7) of subsection a.  
31 of this section under the conditions provided herein:

32 (1) The retired law enforcement officer shall make application  
33 in writing to the Superintendent of State Police for approval to carry  
34 a handgun for one year. An application for annual renewal shall be  
35 submitted in the same manner.

36 (2) Upon receipt of the written application of the retired law  
37 enforcement officer, the superintendent shall request a verification  
38 of service from the chief law enforcement officer of the  
39 organization in which the retired officer was last regularly  
40 employed as a full-time law enforcement officer prior to retiring.  
41 The verification of service shall include:

42 (a) The name and address of the retired officer;

43 (b) The date that the retired officer was hired and the date that  
44 the officer retired;

45 (c) A list of all handguns known to be registered to that officer;

46 (d) A statement that, to the reasonable knowledge of the chief  
47 law enforcement officer, the retired officer is not subject to any of  
48 the restrictions set forth in subsection c. of N.J.S.2C:58-3; and

1 (e) A statement that the officer retired in good standing.

2 (3) If the superintendent approves a retired officer's application  
3 or reapplication to carry a handgun pursuant to the provisions of  
4 this subsection, the superintendent shall notify in writing the chief  
5 law enforcement officer of the municipality wherein that retired  
6 officer resides. In the event the retired officer resides in a  
7 municipality which has no chief law enforcement officer or law  
8 enforcement agency, the superintendent shall maintain a record of  
9 the approval.

10 (4) The superintendent shall issue to an approved retired officer  
11 an identification card permitting the retired officer to carry a  
12 handgun pursuant to this subsection. This identification card shall  
13 be valid for one year from the date of issuance and shall be valid  
14 throughout the State. The identification card shall not be  
15 transferable to any other person. The identification card shall be  
16 carried at all times on the person of the retired officer while the  
17 retired officer is carrying a handgun. The retired officer shall  
18 produce the identification card for review on the demand of any law  
19 enforcement officer or authority.

20 (5) Any person aggrieved by the denial of the superintendent of  
21 approval for a permit to carry a handgun pursuant to this subsection  
22 may request a hearing in the Superior Court of New Jersey in the  
23 county in which **[he]** the person resides by filing a written request  
24 for a hearing within 30 days of the denial. Copies of the request  
25 shall be served upon the superintendent and the county prosecutor.  
26 The hearing shall be held within 30 days of the filing of the request,  
27 and no formal pleading or filing fee shall be required. Appeals  
28 from the determination of the hearing shall be in accordance with  
29 law and the rules governing the courts of this State.

30 (6) A judge of the Superior Court may revoke a retired officer's  
31 privilege to carry a handgun pursuant to this subsection for good  
32 cause shown on the application of any interested person. A person  
33 who becomes subject to any of the disabilities set forth in  
34 subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the  
35 superintendent, **[his]** the person's identification card issued under  
36 paragraph (4) of this subsection to the chief law enforcement officer  
37 of the municipality wherein **[he]** the person resides or the  
38 superintendent, and shall be permanently disqualified to carry a  
39 handgun under this subsection.

40 (7) The superintendent may charge a reasonable application fee  
41 to retired officers to offset any costs associated with administering  
42 the application process set forth in this subsection.

43 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed  
44 to prevent duly authorized personnel of the New Jersey Division of  
45 Fish and Wildlife, while in the actual performance of duties, from  
46 possessing, transporting or using any device that projects, releases  
47 or emits any substance specified as being non-injurious to wildlife  
48 by the Director of the Division of Animal Health in the Department

1 of Agriculture, and which may immobilize wildlife and produces  
2 only temporary physical discomfort through being vaporized or  
3 otherwise dispensed in the air for the purpose of repelling bear or  
4 other animal attacks or for the aversive conditioning of wildlife.

5 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall  
6 be construed to prevent duly authorized personnel of the New  
7 Jersey Division of Fish and Wildlife, while in the actual  
8 performance of duties, from possessing, transporting or using hand  
9 held pistol-like devices, rifles or shotguns that launch pyrotechnic  
10 missiles for the sole purpose of frightening, hazing or aversive  
11 conditioning of nuisance or depredating wildlife; from possessing,  
12 transporting or using rifles, pistols or similar devices for the sole  
13 purpose of chemically immobilizing wild or non-domestic animals;  
14 or, provided the duly authorized person complies with the  
15 requirements of subsection j. of this section, from possessing,  
16 transporting or using rifles or shotguns, upon completion of a Police  
17 Training Commission approved training course, in order to dispatch  
18 injured or dangerous animals or for non-lethal use for the purpose  
19 of frightening, hazing or aversive conditioning of nuisance or  
20 depredating wildlife.

21 (cf: P.L.2017, c.293, s.3)

22  
23 7. Section 1 of P.L.2006, c.54 (C.30:8-18.2) is amended to read  
24 as follows:

25 1. A person shall not be removed from employment or a  
26 position as a county **【corrections】** correctional police officer, or  
27 suspended, fined or reduced in rank for a violation of the internal  
28 rules and regulations established for the conduct of employees of  
29 the county corrections department, unless a complaint charging a  
30 violation of those rules and regulations is filed no later than the  
31 45th day after the date on which the person filing the complaint  
32 obtained sufficient information to file the matter upon which the  
33 complaint is based. A failure to comply with this section shall  
34 require a dismissal of the complaint. The 45-day time limit shall not  
35 apply if an investigation of a county **【corrections】** correctional  
36 police officer for a violation of the internal rules and regulations of  
37 the county corrections department is included directly or indirectly  
38 within a concurrent investigation of that officer for a violation of  
39 the criminal laws of this State; the 45-day limit shall begin on the  
40 day after the disposition of the criminal investigation. The 45-day  
41 requirement in this section for the filing of a complaint against a  
42 county **【corrections】** correctional police officer shall not apply to a  
43 filing of a complaint by a private individual.

44 (cf: P.L.2006, c.54, s.1)

45  
46 8. Section 2 of P.L.2010, c.103 (C.40A:14-180.2) is amended to  
47 read as follows:

1       2. a. The provisions of any other law to the contrary  
2 notwithstanding, the appointing authority of a county correctional  
3 facility, be that the governing body of the county pursuant to  
4 R.S.30:8-19 or the sheriff pursuant to R.S.30:8-17, may appoint as a  
5 county correctional police officer any person who:

6       (1) was serving as a county correctional police officer in good  
7 standing in any county correctional facility in this State; and

8       (2) satisfactorily completed a working test period in a county  
9 correctional police officer title or in a county which has adopted  
10 Title 11A, Civil Service, of the New Jersey Statutes or satisfactorily  
11 completed a comparable, documented probationary period in a  
12 county correctional title in a county which has not adopted Title  
13 11A, Civil Service; and

14       (3) was, for reasons of economy, terminated as a county  
15 correctional police officer within 60 months prior to the  
16 appointment.

17       b. The appointing authority of a county correctional facility  
18 may employ such a person notwithstanding that:

19       (1) Title 11A, Civil Service, of the New Jersey Statutes is  
20 operative in that county;

21       (2) the appointing authority has available to it an eligible or  
22 regular reemployment list of **【corrections】** correctional police  
23 officers eligible for **【such】** appointments; and

24       (3) the appointed person is not on any eligible list. If the county  
25 appointing authority is subject to the provisions of Title 11A, Civil  
26 Service, it may not employ **【such a】** the person if a special  
27 reemployment list is in existence for the county **【corrections】**  
28 correctional police officer title to be filled.

29       c. If the county appointing authority determines to appoint a  
30 person pursuant to the provisions of this act, it shall give first  
31 priority in making **【such】** the appointments to residents of the  
32 county.

33       d. The seniority, seniority-related privileges, and rank a county  
34 **【corrections】** correctional police officer possessed with the  
35 employer who terminated the officer's employment for reasons of  
36 economy shall not be transferable to a new position when the  
37 officer is appointed to a county **【corrections】** correctional police  
38 officer position pursuant to the provisions of this section.

39 (cf: P.L.2010, c.103, s.2)

40  
41       9. Section 2 of P.L.1961, c.56 (C.52:17B-67) is amended to  
42 read as follows:

43       2. As used in this act:

44       "Approved school" shall mean a school approved and authorized  
45 by the Police Training Commission to give police training courses  
46 or a training course for State and county **【corrections】** correctional

1 police officers and juvenile detention officers as prescribed in this  
2 act.

3 "Commission" shall mean the Police Training Commission or  
4 officers or employees thereof acting on its behalf.

5 "County" shall mean any county which within its jurisdiction has  
6 or shall have a law enforcement unit as defined in this act.

7 "Law enforcement unit" shall mean any police force or  
8 organization in a municipality or county which has by statute or  
9 ordinance the responsibility of detecting crime and enforcing the  
10 general criminal laws of this State.

11 "Municipality" shall mean a city of any class, township, borough,  
12 village, camp meeting association, or any other type of municipality  
13 in this State which, within its jurisdiction, has or shall have a law  
14 enforcement unit as defined in this act.

15 "Permanent appointment" shall mean an appointment having  
16 permanent status as a police officer in a law enforcement unit as  
17 prescribed by Title 11A of the New Jersey Statutes, Civil Service  
18 Commission Rules and Regulations, or of any other law of this  
19 State, municipal ordinance, or rules and regulations adopted  
20 thereunder.

21 "Police officer" shall mean any employee of a law enforcement  
22 unit, including sheriff's officers and county investigators in the  
23 office of the county prosecutor, other than civilian heads thereof,  
24 assistant prosecutors and legal assistants, persons appointed  
25 pursuant to the provisions of R.S.40:47-19, persons whose duties do  
26 not include any police function, court attendants, State and county  
27 **【corrections】** correctional police officers, juvenile **【corrections】**  
28 correctional police officers, and juvenile detention officers.

29 (cf: P.L.1995, c.280, s.54)

30

31 10. Section 6 of P.L.1961, c.56 (C.52:17B-71) is amended to  
32 read as follows:

33 6. The commission is vested with the power, responsibility and  
34 duty:

35 a. To prescribe standards for the approval and continuation of  
36 approval of schools at which police training courses authorized by  
37 this act and in-service police training courses shall be conducted,  
38 including but not limited to **【presently】** currently existing regional,  
39 county, municipal, and police chief association police training  
40 schools or at which basic training courses and in-service training  
41 courses shall be conducted for State and county juvenile and adult  
42 **【corrections】** correctional police officers and juvenile detention  
43 officers;

44 b. To approve and issue certificates of approval to **【such】** these  
45 schools, to inspect **【such】** the schools from time to time, and to  
46 revoke any approval or certificate issued to **【such】** the schools;

- 1 c. To prescribe the curriculum, the minimum courses of study,  
2 attendance requirements, equipment and facilities, and standards of  
3 operation for **[such]** these schools. Courses of study in crime  
4 prevention may be recommended to the Police Training  
5 Commission by the Crime Prevention Advisory Committee,  
6 established by section 2 of P.L.1985, c.1 (C.52:17B-77.1). The  
7 Police Training Commission may prescribe psychological and  
8 psychiatric examinations for police recruits while in **[such]** the  
9 schools;
- 10 d. To prescribe minimum qualifications for instructors at  
11 **[such]** these schools and to certify, as qualified, instructors for  
12 approved police training schools and to issue appropriate  
13 certificates to **[such]** the instructors;
- 14 e. To certify police officers, **[corrections]** correctional police  
15 officers, juvenile **[corrections]** correctional police officers, and  
16 juvenile detention officers who have satisfactorily completed  
17 training programs and to issue appropriate certificates to **[such]** the  
18 police officers, **[corrections]** correctional police officers, juvenile  
19 **[corrections]** correctional police officers, and juvenile detention  
20 officers;
- 21 f. To advise and consent in the appointment of an  
22 administrator of police services by the Attorney General pursuant to  
23 section 8 of P.L.1961, c.56 (C.52:17B-73);
- 24 g. (Deleted by amendment, P.L.1985, c.491.
- 25 h. To make **[such]** rules and regulations as may be reasonably  
26 necessary or appropriate to accomplish the purposes and objectives  
27 of this act;
- 28 i. To make a continuous study of police training methods and  
29 training methods for **[corrections]** correctional police officers,  
30 juvenile **[corrections]** correctional police officers, and juvenile  
31 detention officers and to consult and accept the cooperation of any  
32 recognized federal or State law enforcement agency or educational  
33 institution;
- 34 j. To consult and cooperate with universities, colleges, and  
35 institutes in the State for the development of specialized courses of  
36 study for police officers in police science and police administration;
- 37 k. To consult and cooperate with other departments and  
38 agencies of the State concerned with police training or the training  
39 of **[corrections]** correctional police officers, juvenile **[corrections]**  
40 correctional police officers, and juvenile detention officers;
- 41 l. To participate in unified programs and projects relating to  
42 police training and the training of **[corrections]** correctional police  
43 officers, juvenile **[corrections]** correctional police officers, and  
44 juvenile detention officers sponsored by any federal, State, or other  
45 public or private agency;



1 m. To perform **【such】** other acts as may be necessary or  
2 appropriate to carry out its functions and duties as set forth in this  
3 act;

4 n. To extend the time limit for satisfactory completion of police  
5 training programs or programs for the training of **【corrections】**  
6 correctional police officers, juvenile **【corrections】** correctional  
7 police officers, and juvenile detention officers upon a finding that  
8 health, extraordinary workload, or other factors have, singly or in  
9 combination, effected a delay in the satisfactory completion of  
10 **【such】** the training program;

11 o. To furnish approved schools, for inclusion in their regular  
12 police training courses and curriculum, with information concerning  
13 the advisability of high speed chases, the risk caused **【thereby】** by  
14 them, and the benefits resulting **【therefrom】** from them;

15 p. To review and approve new standards and course curricula  
16 developed by the Department of Corrections for both basic and in-  
17 service training of State and county **【corrections】** correctional  
18 police officers and juvenile detention officers. These courses for  
19 the State **【corrections】** correctional police officers and juvenile  
20 detention officers shall be centrally provided at the Corrections  
21 Officers' Training Academy of the Department of Corrections.  
22 Courses for the county **【corrections】** correctional police officers  
23 and juvenile detention officers shall also be centrally provided at  
24 the Corrections Officers' Training Academy unless an off-grounds  
25 training program is established by the county. A county may elect  
26 to establish and conduct a basic training program for **【corrections】**  
27 correctional police officers and juvenile detention officers seeking  
28 permanent appointment in that county. The Corrections Officers'  
29 Training Academy shall develop the curriculum of the basic  
30 training program to be conducted by a county;

31 q. To administer and distribute the monies in the Law  
32 Enforcement Officers Training and Equipment Fund established by  
33 section 9 of P.L.1996, c.115 (C.2C:43-3.3) and make **【such】** rules  
34 and regulations for the administration and distribution of the monies  
35 as may be necessary or appropriate to accomplish the purpose for  
36 which the fund was established.

37 (cf: P.L.1996, c.115, s.6)

38  
39 11. Section 1 of P.L.2013, c.177 (C.52:18A-218.1) is amended  
40 to read as follows:

41 1. As used in this act:

42 "Family" means the spouse, parent, children or other person who  
43 pays the funeral expenses of a public safety employee who is killed  
44 in the line of duty**【; and】**.

45 "Public safety employee" means a permanent, full-time member  
46 of a State, county or municipal law enforcement agency or a county  
47 sheriff's office who is statutorily empowered to act for the

1 detection, apprehension, arrest, and conviction of offenders against  
2 the laws of this State; an active member in good standing of a paid,  
3 part-paid or volunteer fire department or of a duly incorporated first  
4 aid, emergency, ambulance or rescue squad; or a State or county  
5 correctional police officer.

6 (cf: P.L.2013, c.177, s.1)

7  
8 12. This act shall take effect on the first day of the fourth month  
9 next following enactment.

10  
11  
12 STATEMENT

13  
14 This bill directs the Civil Service Commission to retitle county  
15 corrections officer positions as county correctional police officer  
16 positions. The title changes in this bill are to apply to all  
17 corrections officers employed by the counties in this State,  
18 including counties in which Title 11A, Civil Service, of the New  
19 Jersey Statutes, is not operative.

20 The bill further updates statutory references to county  
21 corrections officers as county correctional police officers.

22 The bill requires any fees associated with this retitling to be  
23 borne by the county corrections officer whose title has been  
24 changed. Examples of this fee may include any cost associated with  
25 an updated uniform, badge, or equipment as a result of the title  
26 change.