

**ASSEMBLY, No. 864**

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**STATE OF NEW JERSEY**

**220th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

**Sponsored by:**

**Assemblywoman CLEOPATRA G. TUCKER**

**District 28 (Essex)**

**Assemblyman RALPH R. CAPUTO**

**District 28 (Essex)**

**Assemblywoman SHAVONDA E. SUMTER**

**District 35 (Bergen and Passaic)**

**Assemblyman ROBERT AUTH**

**District 39 (Bergen and Passaic)**

**Co-Sponsored by:**

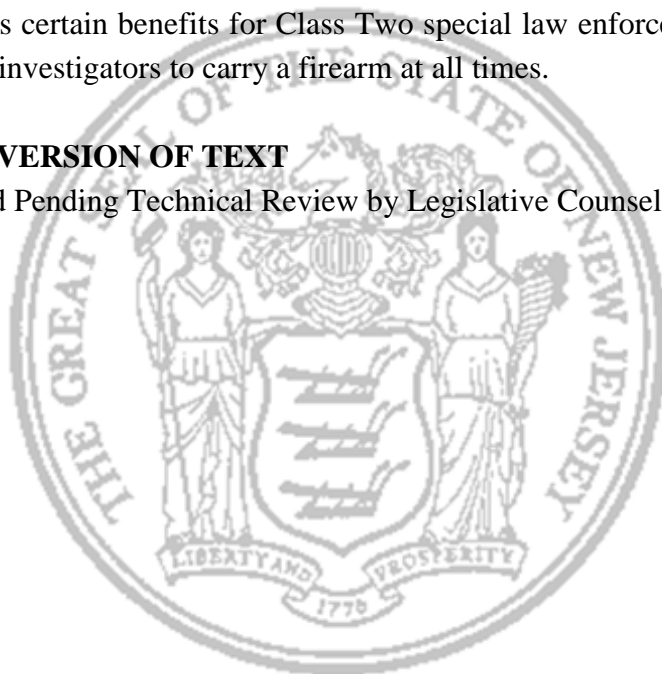
**Assemblywomen Mosquera, Speight, Assemblymen Giblin, DiMaio,  
Wimberly, Assemblywomen Timberlake, Reynolds-Jackson and  
Assemblyman Webber**

**SYNOPSIS**

Establishes certain benefits for Class Two special law enforcement officers;  
allows arson investigators to carry a firearm at all times.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 12/14/2023)**

1 AN ACT concerning law enforcement and supplementing and  
2 amending various parts of statutory law.

3

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

6

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

8 2C:12-1. Assault. a. Simple assault. A person is guilty of  
9 assault if he:

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

12 (2) Negligently causes bodily injury to another with a deadly  
13 weapon; or

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

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

19 b. Aggravated assault. A person is guilty of aggravated assault  
20 if he:

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

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

27 (3) Recklessly causes bodily injury to another with a deadly  
28 weapon; or

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

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

35 (a) Any law enforcement officer or any Class Two special law  
36 enforcement officer acting in the performance of his duties while in  
37 uniform or exhibiting evidence of his authority or because of his  
38 status as a law enforcement officer; or

39 (b) Any paid or volunteer fireman acting in the performance of  
40 his duties while in uniform or otherwise clearly identifiable as being  
41 engaged in the performance of the duties of a fireman; or

42 (c) Any person engaged in emergency first-aid or medical  
43 services acting in the performance of his duties while in uniform or  
44 otherwise clearly identifiable as being engaged in the performance  
45 of emergency first-aid or medical services; or

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 (d) Any school board member, school administrator, teacher,  
2 school bus driver or other employee of a public or nonpublic school  
3 or school board while clearly identifiable as being engaged in the  
4 performance of his duties or because of his status as a member or  
5 employee of a public or nonpublic school or school board or any  
6 school bus driver employed by an operator under contract to a  
7 public or nonpublic school or school board while clearly  
8 identifiable as being engaged in the performance of his duties or  
9 because of his status as a school bus driver; or
- 10 (e) Any employee of the Division of Child Protection and  
11 Permanency while clearly identifiable as being engaged in the  
12 performance of his duties or because of his status as an employee of  
13 the division; or
- 14 (f) Any justice of the Supreme Court, judge of the Superior  
15 Court, judge of the Tax Court or municipal judge while clearly  
16 identifiable as being engaged in the performance of judicial duties  
17 or because of his status as a member of the judiciary; or
- 18 (g) Any operator of a motorbus or the operator's supervisor or  
19 any employee of a rail passenger service while clearly identifiable  
20 as being engaged in the performance of his duties or because of his  
21 status as an operator of a motorbus or as the operator's supervisor or  
22 as an employee of a rail passenger service; or
- 23 (h) Any Department of Corrections employee, county  
24 corrections officer, juvenile corrections officer, State juvenile  
25 facility employee, juvenile detention staff member, juvenile  
26 detention officer, probation officer or any sheriff, undersheriff, or  
27 sheriff's officer acting in the performance of his duties while in  
28 uniform or exhibiting evidence of his authority or because of his  
29 status as a Department of Corrections employee, county corrections  
30 officer, juvenile corrections officer, State juvenile facility  
31 employee, juvenile detention staff member, juvenile detention  
32 officer, probation officer, sheriff, undersheriff, or sheriff's officer;  
33 or
- 34 (i) Any employee, including any person employed under  
35 contract, of a utility company as defined in section 2 of P.L.1971,  
36 c.224 (C.2A:42-86) or a cable television company subject to the  
37 provisions of the "Cable Television Act," P.L.1972, c.186  
38 (C.48:5A-1 et seq.) while clearly identifiable as being engaged in  
39 the performance of his duties in regard to connecting, disconnecting  
40 or repairing or attempting to connect, disconnect or repair any gas,  
41 electric or water utility, or cable television or telecommunication  
42 service; or
- 43 (j) Any health care worker employed by a licensed health care  
44 facility to provide direct patient care, any health care professional  
45 licensed or otherwise authorized pursuant to Title 26 or Title 45 of  
46 the Revised Statutes to practice a health care profession, except a  
47 direct care worker at a State or county psychiatric hospital or State  
48 developmental center or veterans' memorial home, while clearly

- 1 identifiable as being engaged in the duties of providing direct
- 2 patient care or practicing the health care profession; or
- 3 (k) Any direct care worker at a State or county psychiatric
- 4 hospital or State developmental center or veterans' memorial home,
- 5 while clearly identifiable as being engaged in the duties of
- 6 providing direct patient care or practicing the health care
- 7 profession, provided that the actor is not a patient or resident at the
- 8 facility who is classified by the facility as having a mental illness or
- 9 developmental disability; or
- 10 (6) Causes bodily injury to another person while fleeing or
- 11 attempting to elude a law enforcement officer in violation of
- 12 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
- 13 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any
- 14 other provision of law to the contrary, a person shall be strictly
- 15 liable for a violation of this paragraph upon proof of a violation of
- 16 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in
- 17 violation of subsection c. of N.J.S.2C:20-10 which resulted in
- 18 bodily injury to another person; or
- 19 (7) Attempts to cause significant bodily injury to another or
- 20 causes significant bodily injury purposely or knowingly or, under
- 21 circumstances manifesting extreme indifference to the value of
- 22 human life recklessly causes such significant bodily injury; or
- 23 (8) Causes bodily injury by knowingly or purposely starting a
- 24 fire or causing an explosion in violation of N.J.S.2C:17-1 which
- 25 results in bodily injury to any emergency services personnel
- 26 involved in fire suppression activities, rendering emergency
- 27 medical services resulting from the fire or explosion or rescue
- 28 operations, or rendering any necessary assistance at the scene of the
- 29 fire or explosion, including any bodily injury sustained while
- 30 responding to the scene of a reported fire or explosion. For
- 31 purposes of this paragraph, "emergency services personnel" shall
- 32 include, but not be limited to, any paid or volunteer fireman, any
- 33 person engaged in emergency first-aid or medical services and any
- 34 law enforcement officer. Notwithstanding any other provision of
- 35 law to the contrary, a person shall be strictly liable for a violation of
- 36 this paragraph upon proof of a violation of N.J.S.2C:17-1 which
- 37 resulted in bodily injury to any emergency services personnel; or
- 38 (9) Knowingly, under circumstances manifesting extreme
- 39 indifference to the value of human life, points or displays a firearm,
- 40 as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of
- 41 a law enforcement officer; or
- 42 (10) Knowingly points, displays or uses an imitation firearm, as
- 43 defined in subsection v. of N.J.S.2C:39-1, at or in the direction of a
- 44 law enforcement officer with the purpose to intimidate, threaten or
- 45 attempt to put the officer in fear of bodily injury or for any unlawful
- 46 purpose; or
- 47 (11) Uses or activates a laser sighting system or device, or a
- 48 system or device which, in the manner used, would cause a

1 reasonable person to believe that it is a laser sighting system or  
2 device, against a law enforcement officer acting in the performance  
3 of his duties while in uniform or exhibiting evidence of his  
4 authority. As used in this paragraph, "laser sighting system or  
5 device" means any system or device that is integrated with or  
6 affixed to a firearm and emits a laser light beam that is used to  
7 assist in the sight alignment or aiming of the firearm; or

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

15 Aggravated assault under paragraphs (1) and (6) of subsection b.  
16 of this section is a crime of the second degree; under paragraphs  
17 (2), (7), (9) and (10) of subsection b. of this section is a crime of the  
18 third degree; under paragraphs (3) and (4) of subsection b. of this  
19 section is a crime of the fourth degree; and under paragraph (5) of  
20 subsection b. of this section is a crime of the third degree if the  
21 victim suffers bodily injury, otherwise it is a crime of the fourth  
22 degree. Aggravated assault under paragraph (8) of subsection b. of  
23 this section is a crime of the third degree if the victim suffers bodily  
24 injury; if the victim suffers significant bodily injury or serious  
25 bodily injury it is a crime of the second degree. Aggravated assault  
26 under paragraph (11) of subsection b. of this section is a crime of  
27 the third degree. Aggravated assault under paragraph (12) of  
28 subsection b. of this section is a crime of the third degree but the  
29 presumption of non-imprisonment set forth in subsection e. of  
30 N.J.S.2C:44-1 for a first offense of a crime of the third degree shall  
31 not apply.

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

41 (2) Assault by auto or vessel is a crime of the third degree if the  
42 person drives the vehicle while in violation of R.S.39:4-50 or  
43 section 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily  
44 injury results and is a crime of the fourth degree if the person drives  
45 the vehicle while in violation of R.S.39:4-50 or section 2 of  
46 P.L.1981, c.512 (C.39:4-50.4a) and bodily injury results.

47 (3) Assault by auto or vessel is a crime of the second degree if  
48 serious bodily injury results from the defendant operating the auto

1 or vessel while in violation of R.S.39:4-50 or section 2 of P.L.1981,  
2 c.512 (C.39:4-50.4a) while:

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

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

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

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

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

21 It shall be no defense to a prosecution for a violation of  
22 subparagraph (a) or (b) of paragraph (3) of this subsection that the  
23 defendant was unaware that the prohibited conduct took place while  
24 on or within 1,000 feet of any school property or while driving  
25 through a school crossing. Nor shall it be a defense to a prosecution  
26 under subparagraph (a) or (b) of paragraph (3) of this subsection  
27 that no juveniles were present on the school property or crossing  
28 zone at the time of the offense or that the school was not in session.

29 (4) Assault by auto or vessel is a crime of the third degree if the  
30 person purposely drives a vehicle in an aggressive manner directed  
31 at another vehicle and serious bodily injury results and is a crime of  
32 the fourth degree if the person purposely drives a vehicle in an  
33 aggressive manner directed at another vehicle and bodily injury  
34 results. For purposes of this paragraph, "driving a vehicle in an  
35 aggressive manner" shall include, but is not limited to,  
36 unexpectedly altering the speed of the vehicle, making improper or  
37 erratic traffic lane changes, disregarding traffic control devices,  
38 failing to yield the right of way, or following another vehicle too  
39 closely.

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

43 d. A person who is employed by a facility as defined in section  
44 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as  
45 defined in paragraph (1) or (2) of subsection a. of this section upon  
46 an institutionalized elderly person as defined in section 2 of  
47 P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth  
48 degree.

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

2 f. A person who commits a simple assault as defined in  
3 paragraph (1), (2) or (3) of subsection a. of this section in the  
4 presence of a child under 16 years of age at a school or community  
5 sponsored youth sports event is guilty of a crime of the fourth  
6 degree. The defendant shall be strictly liable upon proof that the  
7 offense occurred, in fact, in the presence of a child under 16 years  
8 of age. It shall not be a defense that the defendant did not know  
9 that the child was present or reasonably believed that the child was  
10 16 years of age or older. The provisions of this subsection shall not  
11 be construed to create any liability on the part of a participant in a  
12 youth sports event or to abrogate any immunity or defense available  
13 to a participant in a youth sports event. As used in this act, "school  
14 or community sponsored youth sports event" means a competition,  
15 practice or instructional event involving one or more interscholastic  
16 sports teams or youth sports teams organized pursuant to a  
17 nonprofit or similar charter or which are member teams in a youth  
18 league organized by or affiliated with a county or municipal  
19 recreation department and shall not include collegiate, semi-  
20 professional or professional sporting events.  
21 (cf: P.L.2015, c.100, s.1)

22

23 2. Section 1 of P.L.1996, c.14 (C.2C:12-11) is amended to read  
24 as follows:

25 1. a. A person who knowingly takes or attempts to exercise  
26 unlawful control over a firearm or other weapon in the possession  
27 of a law enforcement officer, Class Two special law enforcement  
28 officer, or corrections officer when that officer is acting in the  
29 performance of his duties, and either is in uniform or exhibits  
30 evidence of his authority, is guilty of a crime of the second degree.

31 b. A person violating the provisions of subsection a. of this  
32 section shall be guilty of a crime of the first degree if:

33 (1) The person fires or discharges the firearm;

34 (2) The person uses or threatens to use the firearm or weapon  
35 against the officer or any other person; or

36 (3) The officer or another person suffers serious bodily injury.

37 (cf: P.L.1996, c.14, s.1)

38

39 3. N.J.S.2C:28-8 is amended to read as follows:

40 2C:28-8. a. Except as provided in subsection b. of this section,  
41 a person commits a disorderly persons offense if he falsely pretends  
42 to hold a position in the public service with purpose to induce  
43 another to submit to **【such】** the pretended official authority or  
44 otherwise to act in reliance upon that pretense.

45 b. A person commits a crime of the fourth degree if he falsely  
46 pretends to hold a position as an officer or member or employee or  
47 agent of any organization or association of law enforcement  
48 officers ,including Class Two special law enforcement officers,

1 with purpose to induce another to submit to **【such】** the pretended  
2 official authority or otherwise to act in reliance upon that pretense.  
3 (cf: P.L.2000, c.110, s.1)

4  
5 4. N.J.S.2C:39-6 is amended to read as follows:

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

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

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

15 (3) Members of the State Police and, under conditions  
16 prescribed by the superintendent, members of the Marine Law  
17 Enforcement Bureau of the Division of State Police;

18 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,  
19 assistant prosecutor, prosecutor's detective or investigator, deputy  
20 attorney general or State investigator employed by the Division of  
21 Criminal Justice of the Department of Law and Public Safety,  
22 investigator employed by the State Commission of Investigation,  
23 inspector of the Alcoholic Beverage Control Enforcement Bureau of  
24 the Division of State Police in the Department of Law and Public  
25 Safety authorized to carry **【such】** weapons by the Superintendent of  
26 State Police, State park police officer, or State conservation officer;

27 (5) Except as hereinafter provided, a prison or jail warden of  
28 any penal institution in this State or his deputies, or an employee of  
29 the Department of Corrections engaged in the interstate  
30 transportation of convicted offenders, while in the performance of  
31 his duties, and when required to possess the weapon by his superior  
32 officer, or a corrections officer or keeper of a penal institution in  
33 this State at all times while in the State of New Jersey, provided he  
34 annually passes an examination approved by the superintendent  
35 testing his proficiency in the handling of firearms;

36 (6) A civilian employee of the United States Government under  
37 the supervision of the commanding officer of any post, camp,  
38 station, base or other military or naval installation located in this  
39 State who is required, in the performance of his official duties, to  
40 carry firearms, and who is authorized to carry **【such】** firearms by  
41 **【said】** the commanding officer, while in the actual performance of  
42 his official duties;

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



1 (b) A Class Two special law enforcement officer **【**authorized to  
2 carry a weapon as provided in subsection b. of **】** appointed pursuant  
3 to section 7 of P.L.1985, c.439 (C.40A:14-146.14) , at all times  
4 while in the State of New Jersey;

5 (c) An airport security officer **【**or a special law enforcement  
6 officer appointed by the governing body of any county or  
7 municipality, except as provided in subsection (b) of this section, or  
8 by the commission, board or other body having control of a county  
9 park or airport or boulevard police force,**】** while engaged in the  
10 actual performance of his official duties and when specifically  
11 authorized **【**by the governing body**】** to carry weapons;

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

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

31 (10) A designated employee or designated licensed agent for a  
32 nuclear power plant under license of the Nuclear Regulatory  
33 Commission, while in the actual performance of his official duties,  
34 if the federal licensee certifies that the designated employee or  
35 designated licensed agent is assigned to perform site protection,  
36 guard, armed response or armed escort duties and is appropriately  
37 trained and qualified, as prescribed by federal regulation, to  
38 perform those duties. Any firearm utilized by an employee or agent  
39 for a nuclear power plant pursuant to this paragraph shall be  
40 returned each day at the end of the employee's or agent's authorized  
41 official duties to the employee's or agent's supervisor. All firearms  
42 returned each day pursuant to this paragraph shall be stored in  
43 locked containers located in a secure area;

44 (11) A county corrections officer at all times while in the State  
45 of New Jersey, provided he annually passes an examination  
46 approved by the superintendent testing his proficiency in the  
47 handling of firearms.

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

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

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

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

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

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

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

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

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

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

39       (7) A humane law enforcement officer of the New Jersey  
40 Society for the Prevention of Cruelty to Animals or of a county  
41 society for the prevention of cruelty to animals, while in the actual  
42 performance of his duties;

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

45       (9) A railway policeman, except a transit police officer of the  
46 New Jersey Transit Police Department, at all times while in the  
47 State of New Jersey, provided that he has passed an approved police  
48 academy training program consisting of at least 280 hours. The

- 1 training program shall include, but need not be limited to, the  
2 handling of firearms, community relations, and juvenile relations;
- 3 (10) A campus police officer appointed under P.L.1970, c.211  
4 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry  
5 a firearm, a campus police officer shall take and successfully  
6 complete a firearms training course administered by the Police  
7 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et  
8 seq.), and shall annually qualify in the use of a revolver or similar  
9 weapon prior to being permitted to carry a firearm;
- 10 (11) (Deleted by amendment, P.L.2003, c.168).
- 11 (12) A transit police officer of the New Jersey Transit Police  
12 Department, at all times while in the State of New Jersey, provided  
13 the officer has satisfied the training requirements of the Police  
14 Training Commission, pursuant to subsection c. of section 2 of  
15 P.L.1989, c.291 (C.27:25-15.1);
- 16 (13) A parole officer employed by the State Parole Board at all  
17 times. Prior to being permitted to carry a firearm, a parole officer  
18 shall take and successfully complete a basic course for regular  
19 police officer training administered by the Police Training  
20 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and  
21 shall annually qualify in the use of a revolver or similar weapon  
22 prior to being permitted to carry a firearm;
- 23 (14) A Human Services police officer at all times while in the  
24 State of New Jersey, as authorized by the Commissioner of Human  
25 Services;
- 26 (15) A person or employee of any person who, pursuant to and  
27 as required by a contract with a governmental entity, supervises or  
28 transports persons charged with or convicted of an offense;
- 29 (16) A housing authority police officer appointed under  
30 P.L.1997, c.210 (C.40A:14-146.19 et al.) at all times while in the  
31 State of New Jersey; or
- 32 (17) A probation officer assigned to the "Probation Officer  
33 Community Safety Unit" created by section 2 of P.L.2001, c.362  
34 (C.2B:10A-2) while in the actual performance of the probation  
35 officer's official duties. Prior to being permitted to carry a firearm,  
36 a probation officer shall take and successfully complete a basic  
37 course for regular police officer training administered by the Police  
38 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-  
39 66 et seq.), and shall annually qualify in the use of a revolver or  
40 similar weapon prior to being permitted to carry a firearm.
- 41 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to  
42 antique firearms, provided that **【such】** the antique firearms are  
43 unloaded or are being fired for the purposes of exhibition or  
44 demonstration at an authorized target range or in **【such other】**  
45 another manner **【as has been】** approved in writing by the chief law  
46 enforcement officer of the municipality in which the exhibition or  
47 demonstration is held, or if not held on property under the control  
48 of a particular municipality, the superintendent.

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

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

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

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

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

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

46       (1) A member of any rifle or pistol club organized in accordance  
47 with the rules prescribed by the National Board for the Promotion  
48 of Rifle Practice, in going to or from a place of target practice,

1 carrying **[such]** firearms **[as are]** necessary for **[said]** target  
2 practice, provided that the club has filed a copy of its charter with  
3 the superintendent and annually submits a list of its members to the  
4 superintendent and provided further that the firearms are carried in  
5 the manner specified in subsection g. of this section;

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

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

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

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

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

36 (4) A person from keeping or carrying about a private or  
37 commercial aircraft or any boat, or from transporting to or from  
38 **[such vessel]** the aircraft or boat for the purpose of installation or  
39 repair a visual distress signaling device approved by the United  
40 States Coast Guard.

41 g. All weapons being transported under paragraph (2) of  
42 subsection b., subsection e., or paragraph (1) or (3) of subsection f.  
43 of this section shall be carried unloaded and contained in a closed  
44 and fastened case, gunbox, securely tied package, or locked in the  
45 trunk of the automobile in which **[it is]** they are being transported,  
46 and in the course of travel shall include only **[such]** deviations as  
47 are reasonably necessary under the circumstances.

1       h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed  
2 to prevent any employee of a public utility, as defined in R.S.48:2-  
3 13, doing business in this State or any United States Postal Service  
4 employee, while in the actual performance of duties which  
5 specifically require regular and frequent visits to private premises,  
6 from possessing, carrying or using any device which projects,  
7 releases or emits any substance specified as being noninjurious to  
8 canines or other animals by the Commissioner of Health and which  
9 immobilizes only on a temporary basis and produces only  
10 temporary physical discomfort through being vaporized or  
11 otherwise dispensed in the air for the sole purpose of repelling  
12 canine or other animal attacks.

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

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

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

32       (2) Notwithstanding the provisions of paragraph (1) of this  
33 subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a  
34 health inspector or investigator operating pursuant to the provisions  
35 of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building  
36 inspector from possessing a device which is capable of releasing  
37 more than three-quarters of an ounce of a chemical substance, as  
38 described in paragraph (1), while in the actual performance of the  
39 inspector's or investigator's duties, provided that the device does not  
40 exceed the size of those used by law enforcement.

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

45       **【Such】** The exempt person shall not possess or carry a firearm  
46 until the person has satisfactorily completed a firearms training  
47 course and shall annually qualify in the use of a revolver or similar  
48 weapon. For purposes of this subsection, a "firearms training

1 course" means a course of instruction in the safe use, maintenance  
2 and storage of firearms which is approved by the Police Training  
3 Commission. The commission shall approve a firearms training  
4 course if the requirements of the course are substantially equivalent  
5 to the requirements for firearms training provided by police training  
6 courses which are certified under section 6 of P.L.1961, c.56  
7 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3)  
8 or (6) of subsection a. of this section shall be exempt from the  
9 requirements of this subsection.

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

16 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed  
17 to prevent a law enforcement officer who retired in good standing,  
18 including a retirement because of a disability pursuant to section 6  
19 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255  
20 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1) or any  
21 substantially similar statute governing the disability retirement of  
22 federal law enforcement officers, provided the officer was a  
23 regularly employed, full-time law enforcement officer for an  
24 aggregate of four or more years prior to his disability retirement and  
25 further provided that the disability which constituted the basis for  
26 the officer's retirement did not involve a certification that the officer  
27 was mentally incapacitated for the performance of his usual law  
28 enforcement duties and any other available duty in the department  
29 which his employer was willing to assign to him or does not subject  
30 that retired officer to any of the disabilities set forth in subsection c.  
31 of N.J.S.2C:58-3 which would disqualify the retired officer from  
32 possessing or carrying a firearm, who semi-annually qualifies in the  
33 use of the handgun he is permitted to carry in accordance with the  
34 requirements and procedures established by the Attorney General  
35 pursuant to subsection j. of this section and pays the actual costs  
36 associated with those semi-annual qualifications, who is 75 years of  
37 age or younger, and who was regularly employed as a full-time  
38 member of the State Police; a full-time member of an interstate  
39 police force; a full-time member of a county or municipal police  
40 department in this State; a full-time member of a State law  
41 enforcement agency; a full-time sheriff, undersheriff or sheriff's  
42 officer of a county of this State; a full-time State or county  
43 corrections officer; a full-time county park police officer; a full-  
44 time arson investigator; a Class Two special law enforcement  
45 officer who retired after four years of service; a full-time county  
46 prosecutor's detective or investigator; a full-time federal law  
47 enforcement officer; or is a qualified retired law enforcement  
48 officer, as used in the federal "Law Enforcement Officers Safety

1 Act of 2004," Pub.L. 108-277, domiciled in this State from carrying  
2 a handgun in the same manner as law enforcement officers  
3 exempted under paragraph (7) of subsection a. of this section under  
4 the conditions provided herein:

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

9 (2) Upon receipt of the written application of the retired law  
10 enforcement officer, the superintendent shall request a verification  
11 of service from the chief law enforcement officer of the  
12 organization in which the retired officer was last regularly  
13 employed as a full-time law enforcement officer prior to retiring.  
14 The verification of service shall include:

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

16 (b) The date that the retired officer was hired and the date that  
17 the officer retired;

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

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

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

23 (3) If the superintendent approves a retired officer's application  
24 or reapplication to carry a handgun pursuant to the provisions of  
25 this subsection, the superintendent shall notify in writing the chief  
26 law enforcement officer of the municipality wherein that retired  
27 officer resides. In the event the retired officer resides in a  
28 municipality which has no chief law enforcement officer or law  
29 enforcement agency, the superintendent shall maintain a record of  
30 the approval.

31 (4) The superintendent shall issue to an approved retired officer  
32 an identification card permitting the retired officer to carry a  
33 handgun pursuant to this subsection. This identification card shall  
34 be valid for one year from the date of issuance and shall be valid  
35 throughout the State. The identification card shall not be  
36 transferable to any other person. The identification card shall be  
37 carried at all times on the person of the retired officer while the  
38 retired officer is carrying a handgun. The retired officer shall  
39 produce the identification card for review on the demand of any law  
40 enforcement officer or authority.

41 (5) Any person aggrieved by the denial of the superintendent of  
42 approval for a permit to carry a handgun pursuant to this subsection  
43 may request a hearing in the Superior Court of New Jersey in the  
44 county in which he resides by filing a written request for [such] a  
45 hearing within 30 days of the denial. Copies of the request shall be  
46 served upon the superintendent and the county prosecutor. The  
47 hearing shall be held within 30 days of the filing of the request, and  
48 no formal pleading or filing fee shall be required. Appeals from the



1 determination of [such a] the hearing shall be in accordance with  
2 law and the rules governing the courts of this State.

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

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

15 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed  
16 to prevent duly authorized personnel of the New Jersey Division of  
17 Fish and Wildlife, while in the actual performance of duties, from  
18 possessing, transporting or using any device that projects, releases  
19 or emits any substance specified as being non-injurious to wildlife  
20 by the Director of the Division of Animal Health in the Department  
21 of Agriculture, and which may immobilize wildlife and produces  
22 only temporary physical discomfort through being vaporized or  
23 otherwise dispensed in the air for the purpose of repelling bear or  
24 other animal attacks or for the aversive conditioning of wildlife.

25 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall  
26 be construed to prevent duly authorized personnel of the New  
27 Jersey Division of Fish and Wildlife, while in the actual  
28 performance of duties, from possessing, transporting or using hand  
29 held pistol-like devices, rifles or shotguns that launch pyrotechnic  
30 missiles for the sole purpose of frightening, hazing or aversive  
31 conditioning of nuisance or depredating wildlife; from possessing,  
32 transporting or using rifles, pistols or similar devices for the sole  
33 purpose of chemically immobilizing wild or non-domestic animals;  
34 or, provided the duly authorized person complies with the  
35 requirements of subsection j. of this section, from possessing,  
36 transporting or using rifles or shotguns, upon completion of a Police  
37 Training Commission approved training course, in order to dispatch  
38 injured or dangerous animals or for non-lethal use for the purpose  
39 of frightening, hazing or aversive conditioning of nuisance or  
40 depredating wildlife.

41 (cf: P.L.2013, c.219, s.1)

42  
43 5. N.J.S.2C:52-32 is amended to read as follows:

44 2C:52-32. This chapter shall be construed with the primary  
45 objective of providing relief to the reformed offender who has led a  
46 life of rectitude and disassociated himself with unlawful activity, but  
47 not to create a system whereby persistent violators of the law or those  
48 who associate themselves with continuing criminal activity have a

1 regular means of expunging their police and criminal records.

2 This chapter shall not be construed to limit the expungement of  
3 criminal records of a law enforcement officer or Class Two special law  
4 enforcement officer acting in the course of official duties. Unless a law  
5 enforcement officer or Class Two special law enforcement officer is  
6 convicted of a criminal offense for an action that occurred while in the  
7 performance of his law enforcement duties, all criminal records and  
8 reports relating to the arrest and subsequent investigation of that  
9 officer pertaining to that action shall be automatically expunged.  
10 (cf: P.L.2015, c.261, s.9)

11

12 6. Section 3 of P.L.1985, c.439 (C.40A:14-146.10) is amended  
13 to read as follows:

14 3. a. Any local unit may, as it deems necessary, appoint  
15 special law enforcement officers sufficient to perform the duties and  
16 responsibilities permitted by local ordinances authorized by N.J.S.  
17 40A:14-118 or ordinance or resolution, as appropriate, authorized  
18 by N.J.S.40A:14-106 and within the conditions and limitations as  
19 may be established pursuant to this act.

20 b. No person may be appointed as a special law enforcement  
21 officer unless the person:

22 (1) **【Is】** is a resident of this State during the term of  
23 appointment;

24 (2) **【Is】** is able to read, write and speak the English language  
25 well and intelligently and has a high school diploma or its  
26 equivalent;

27 (3) **【Is】** is sound in body and of good health;

28 (4) **【Is】** is of good moral character;

29 (5) **【Has】** has not been convicted of any offense involving  
30 dishonesty or which would make him unfit to perform the duties of  
31 his office;

32 (6) **【Has】** has successfully undergone the same psychological  
33 testing that is required of all full-time police officers in the  
34 municipality or county or, with regard to a special law enforcement  
35 officer hired for a seasonal period by a resort municipality which  
36 requires psychological testing of its full-time police officers, has  
37 successfully undergone a program of psychological testing  
38 approved by the commission;

39 (7) at the time of appointment, undergoes drug testing for  
40 controlled dangerous substances or controlled dangerous substance  
41 analogs; and

42 (8) is between 21 and 75 years of age.

43 c. Every applicant for the position of special law enforcement  
44 officer appointed pursuant to this act shall have fingerprints taken,  
45 which fingerprints shall be filed with the Division of State Police  
46 and the Federal Bureau of Investigation.

1 d. **【No】** A person shall not be appointed to serve as a special  
2 law enforcement officer in more than one local unit at the same  
3 time, **【nor shall】** and any permanent, regularly appointed full-time  
4 police officer of any local unit shall not be appointed as a special  
5 law enforcement officer in any local unit. **【No】** A public official  
6 with responsibility for setting law enforcement policy or exercising  
7 authority over the budget of the local unit or supervision of the  
8 police department of a local unit shall not be appointed as a special  
9 law enforcement officer.

10 e. Before any special law enforcement officer is appointed  
11 pursuant to this act, the chief of police, or, in the absence of the  
12 chief, other chief law enforcement officer of the local unit shall  
13 ascertain the eligibility and qualifications of the applicant and  
14 report these determinations in writing to the appointing authority.

15 f. Any person who at any time prior to his appointment had  
16 served as a duly qualified, fully-trained, full-time corrections  
17 officer, sheriff's officer, or law enforcement officer in any  
18 municipality or county of this State and who was separated from  
19 that prior service in good standing, shall be eligible to serve as a  
20 special law enforcement officer consistent with guidelines  
21 promulgated by the commission. The training requirements set  
22 forth in section 4 of this act **【may】** shall be waived by the  
23 commission with regard to any person eligible to be appointed as a  
24 special law enforcement officer pursuant to the provisions of this  
25 subsection.

26 (cf: P.L.2013, c.21, s.3)

27  
28 7. Section 4 of P.L.1985, c.439 (C.40A:14-146.11) is amended  
29 to read as follows:

30 4. a. No person may commence his duties as a special law  
31 enforcement officer unless he has successfully completed a training  
32 course approved by the commission and no special law enforcement  
33 officer may be issued a firearm unless he has successfully  
34 completed the basic firearms course approved by the commission  
35 for permanent, regularly appointed police and annual requalification  
36 examinations as required by subsection b. of section 7 of this act.  
37 There shall be two classifications for special police officers. The  
38 commission shall prescribe by rule or regulation the training  
39 standards to be established for each classification. Training may be  
40 in a commission approved academy or in any other training  
41 program which the commission may determine appropriate. The  
42 classifications shall be based upon the duties to be performed by the  
43 special law enforcement officer as follows:

44 (1) Class One. Officers of this class shall be authorized to  
45 perform routine traffic detail, spectator control and similar duties. If  
46 authorized by ordinance or resolution, as appropriate, Class One  
47 officers shall have the power to issue summonses for disorderly  
48 persons and petty disorderly persons offenses, violations of

1 municipal ordinances and violations of Title 39 of the Revised  
2 Statutes. The use of a firearm by an officer of this class shall be  
3 strictly prohibited and no Class One officer shall be assigned any  
4 duties which may require the carrying or use of a firearm.

5 (2) Class Two. Officers of this class shall be authorized to  
6 exercise at all times the same full powers and duties **【**similar to  
7 those of**】** as a permanent, regularly appointed full-time police  
8 officer. The use of a firearm by an officer of this class may be  
9 authorized only after the officer has been fully certified as  
10 successfully completing training as prescribed by the commission.

11 b. The commission may, in its discretion, except from the  
12 requirements of this section any person who demonstrates to the  
13 commission's satisfaction that he has successfully completed a  
14 police training course conducted by any federal, state or other  
15 public or private agency, the requirements of which are  
16 substantially equivalent to the requirements of this act.

17 c. The commission shall certify officers who have satisfactorily  
18 completed training programs and issue appropriate certificates to  
19 those officers. The certificate shall clearly state the category of  
20 certification for which the officer has been certified by the  
21 commission.

22 d. All special law enforcement officers appointed and in  
23 service on the effective date of this act may continue in service if  
24 within 24 months of the effective date of this act they will have  
25 completed all training and certification requirements of this act.

26 e. All Class Two special law enforcement officer shall have the  
27 same immunity from civil liability accorded to permanent, regularly  
28 appointed full-time police officers.

29 f. Any Class Two special law enforcement officer may be  
30 assigned to work as security in a polling place on the day of an  
31 election to ensure that qualified voters are not obstructed from  
32 voting.

33 (cf: P.L.2013, c.21, s.4)

34

35 8. Section 7 of P.L.1985, c.439 (C.40A:14-146.14) is amended  
36 to read as follows:

37 7. a. Special law enforcement officers may be appointed for  
38 terms not to exceed one year, and the appointments may be revoked  
39 by the local unit for cause after adequate hearing, unless the  
40 appointment is for four months or less, in which event the  
41 appointment may be revoked without cause or hearing. Nothing  
42 herein shall be construed to require reappointment upon the  
43 expiration of the term. The special law enforcement officers so  
44 appointed shall not be members of the police force of the local unit,  
45 and their powers and duties as determined pursuant to this act shall  
46 cease at the expiration of the term for which appointed.

47 b. **【No】** A special law enforcement officer may carry a firearm  
48 **【except】** while engaged in the actual performance of the officer's

1 official duties and **【when specifically authorized by the chief of**  
2 **police, or, in the absence of the chief, other chief law enforcement**  
3 **officer of the local unit to carry a firearm and】** at all times while in  
4 the State of New Jersey provided that the officer has satisfactorily  
5 completed the basic firearms course required by the commission for  
6 regular police officers and annual requalification examinations as  
7 required for permanent, regularly appointed full-time officers in the  
8 local unit.

9 A special law enforcement officer shall be deemed to be on duty  
10 only while he is performing the public safety functions on behalf of  
11 the local unit pursuant to this act and when he is receiving  
12 compensation, if any, from the local unit at the rates or stipends as  
13 shall be established by ordinance. A special law enforcement  
14 officer shall not be deemed to be on duty for purposes of this act  
15 while performing private security duties for private employers,  
16 which duties are not assigned by the chief of police, or, in the  
17 absence of the chief, other chief law enforcement officer of the  
18 local unit, or while receiving compensation for those duties from a  
19 private employer. A special law enforcement officer may, however,  
20 be assigned by the chief of police or, in the absence of the chief,  
21 other chief law enforcement officer, to perform public safety  
22 functions for a private entity if the chief of police or other chief law  
23 enforcement officer supervises the performance of the public safety  
24 functions. If the chief of police or other chief law enforcement  
25 officer assigns the public safety duties and supervises the  
26 performance of those duties, then, notwithstanding that the local  
27 unit is reimbursed for the cost of assigning a special law  
28 enforcement officer at a private entity, the special law enforcement  
29 officer shall be deemed to be on duty.

30 The reimbursement for the duties of a special law enforcement  
31 officer, which is made to a municipality with a population in excess  
32 of 300,000, according to the 1980 federal decennial census, may be  
33 by direct payments from the employer to the special law  
34 enforcement officer, provided that records of the hours worked are  
35 forwarded to and maintained by the chief of police or other chief  
36 law enforcement officer responsible for assigning the special law  
37 enforcement officer those public safety duties.

38 **【Any firearm utilized by a special law enforcement officer shall**  
39 **be returned at the end of the officer's workday to the officer in**  
40 **charge of the station house, unless the firearm is owned by the**  
41 **special law enforcement officer and was acquired in compliance**  
42 **with a condition of employment established by the local unit. Any**  
43 **special law enforcement officer first appointed after the effective**  
44 **date of this act shall only use a firearm supplied by the local unit.**  
45 **No such special police officer shall carry a revolver or other similar**  
46 **weapon when off duty; but if any such special police officer**  
47 **appointed by the governing body of any municipality having a**  
48 **population in excess of 300,000, according to the 1980 federal**

1 census, who is a resident of the municipality and is employed as a  
2 special police officer at least 35 hours per week, or less at the  
3 discretion of the chief of police and mayor, shall, at the direction of  
4 the chief of police, have taken and successfully completed complete  
5 a firearms training course administered by the Police Training  
6 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and  
7 has successfully completed within three years of the effective date  
8 of P.L.1985, c.45 or three years of the date of appointment of the  
9 special police officer, whichever is later, 280 hours of training in  
10 arrest, search and seizure, criminal law, and the use of deadly force,  
11 and shall annually qualify in the use of a revolver or similar  
12 weapon, said special police officer shall be permitted to carry a  
13 revolver or other similar weapon when off duty within the  
14 municipality where he is employed. Specific authorization shall be  
15 in the form of a permit which shall not be unreasonably withheld,  
16 which is subject to renewal annually and may be revoked at any  
17 time by the chief of police. The permit shall be on the person of the  
18 special police officer whenever a revolver or other similar weapon  
19 is carried off duty. No permit shall be issued until the special  
20 police officer has successfully completed all training courses  
21 required under this section. Any training courses completed by a  
22 special police officer under the direction of the chief of police in a  
23 school and a curriculum approved by the Police Training  
24 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.),  
25 shall be credited towards the 280 hours of training required to be  
26 completed by this section. Any training required by this section  
27 shall commence within 90 days of the effective date of P.L.1985,  
28 c.45 or within 90 days of the date of the appointment of the special  
29 police officer, whichever is later.】

30 c. A special law enforcement officer shall be under the  
31 supervision and direction of the chief of police or, in the absence of  
32 the chief, other chief law enforcement officer of the local unit  
33 wherein the officer is appointed, and shall perform his duties only  
34 in the local unit except when in fresh pursuit of any person pursuant  
35 to chapter 156 of Title 2A of the New Jersey Statutes or when  
36 authorized to perform duties in another unit pursuant to a mutual  
37 aid agreement enacted in accordance with section 1 of P.L.1976,  
38 c.45 (C.40A:14-156.1).

39 d. The officer shall comply with the rules and regulations  
40 applicable to the conduct and decorum of the permanent, regularly  
41 appointed police officers of the local unit, as well as any rules and  
42 regulations applicable to the conduct and decorum of special law  
43 enforcement officers.

44 e. Notwithstanding any provision of P.L.1985, c.439  
45 (C.40A:14-146.8 et seq.) to the contrary, a special law enforcement  
46 officer may travel through another local unit to reach a  
47 noncontiguous area of the local unit in which his appointment was

1 issued or to transport persons to and from a correctional facility.  
2 (cf: P.L.1991, c.46, s.1)

3  
4 9. Section 9 of P.L.1985, c.439 (C.40A:14-146.16) is amended  
5 to read as follows:

6 9. a. Except as provided in subsection c. of this section, no  
7 special law enforcement officer may be employed for more than 20  
8 hours per week by the local unit except that special law  
9 enforcement officers may be employed by the local unit for those  
10 hours as the governing body may determine necessary in  
11 accordance with the limits prescribed below:

12 (1) In resort municipalities not to exceed 48 hours per week  
13 during any seasonal period.

14 (2) In all municipalities or counties without limitation as to  
15 hours during periods of emergency.

16 (3) In all municipalities or counties in addition to not more than  
17 20 hours per week including duties assigned pursuant to the  
18 provisions of section 7 of this act a special law enforcement officer  
19 may be assigned for not more than 20 hours per week to provide  
20 public safety and law enforcement services to a public entity.

21 (4) In municipalities or counties, as provided in subsection b. of  
22 section 7 of this act, for hours to be determined at the discretion of  
23 the director of the municipal or county police force.

24 b. Notwithstanding any provision of this act to the contrary,  
25 special law enforcement officers may be employed only to assist the  
26 local law enforcement unit but may not be employed to replace or  
27 substitute for full-time, regular police officers or in any way  
28 diminish the number of full-time officers employed by the local  
29 unit.

30 c. Each municipality or county may designate one special law  
31 enforcement officer to whom the limitations on hours employed set  
32 forth in subsection a. of this section shall not be applicable.

33 d. Notwithstanding the provisions of subsection a. of this  
34 section, a special law enforcement officer shall not be employed for  
35 more than 20 hours per week by the local unit unless the governing  
36 body of the county or municipality in which the special law  
37 enforcement officer is employed has purchased from an insurance  
38 company authorized to do business in this State liability insurance  
39 for acts or omissions committed by special law enforcement officers  
40 acting in the course of their official duties.

41 (cf: P.L.2013, c.21, s.6)

42  
43 10. (New section) The governing body of a county or  
44 municipality shall give a leave of absence with pay to Class Two  
45 special law enforcement officers to attend any State or national  
46 convention of the Special Police Organization. A certificate of  
47 attendance to the State convention shall, upon request, be submitted  
48 to a supervising officer by a Class Two special law enforcement

1 officer attending the convention. Leave of absence shall be for a  
2 period inclusive of the duration of the convention with a reasonable  
3 time allowed for time to travel to and from the convention.  
4

5 11. (New section) a. As used in this section:

6 "Disciplinary action" means any adverse personnel action,  
7 including suspension, reduction in pay, rank or other employment  
8 benefit, dismissal, transfer, reassignment, unreasonable denial of  
9 secondary employment or similar punitive action taken against a law  
10 enforcement officer or Class Two special law enforcement officer.

11 "Disciplinary hearing" means an administrative hearing initiated by  
12 the department against a law enforcement officer or Class Two special  
13 law enforcement officer, based on an alleged violation of law or  
14 department, commission, or agency rule or regulation that, if proven,  
15 would subject the law enforcement officer or Class Two special law  
16 enforcement officer to disciplinary action.

17 "Investigation" means an action taken by the employing  
18 department, commission, or agency to determine whether a law  
19 enforcement officer or Class Two special law enforcement officer  
20 violated any law or department, commission, or agency rule or  
21 regulation and includes: (1) questioning any other State law  
22 enforcement officer or person; (2) conducting observations; (3)  
23 reviewing and evaluating reports, records, or other documents; and (4)  
24 examining physical evidence.

25 b. An employing department, commission, or agency may dismiss  
26 a complaint filed by a private citizen or an inmate against a law  
27 enforcement officer or Class Two special law enforcement officer  
28 without full investigation if:

29 (1) the department, commission, or agency determines that the  
30 complaint does not constitute a violation of law or departmental,  
31 commission, or agency rule or regulation; or

32 (2) the complainant failed to substantially comply with the  
33 complaint procedure prescribed by the department, commission, or  
34 agency employing the officer.  
35

36 12. This act shall take effect immediately.  
37  
38

### 39 STATEMENT 40

41 This bill establishes certain benefits for Class Two special law  
42 enforcement officers. Under current law, Class Two special law  
43 enforcement officers only have full police powers while on duty and  
44 are required to return their firearms to the officer in charge of their  
45 station at the end of each workday.

46 This bill authorizes all Class Two special law enforcement  
47 officers who successfully complete the statutorily required training  
48 programs to exercise full police power and carry their firearms at all



1 times when in this State. The bill also allows arson investigators to  
2 carry a firearm at all times while in this State.

3 In addition, the bill establishes new requirements for Class One  
4 and Class Two special law enforcement officers. Specifically, the  
5 bill requires all special law enforcement officers to be between 21  
6 and 75 years of age and to submit to a drug test at the time of  
7 appointment. The bill also waives the training requirements to  
8 become a Class Two special law enforcement officer for persons  
9 who previously served as a full-time corrections officer, sheriff's  
10 officer, or law enforcement officer.

11 This bill also clarifies that Class Two special law enforcement  
12 officers are granted the same protections as all law enforcement  
13 officers. Under current law, a simple assault is upgraded to an  
14 aggravated assault if committed against a law enforcement officer  
15 while clearly identifiable as being engaged in official duties or due  
16 to law enforcement status. Current law also makes it a fourth  
17 degree crime to impersonate a law enforcement officer and a second  
18 degree crime to knowingly take or attempt to exercise unlawful  
19 control over a law enforcement officer's firearm. This bill clarifies  
20 that the same penalties for the crimes of assaulting, impersonating,  
21 or disarming a law enforcement officer apply if committed against a  
22 Class Two special law enforcement officer. The bill also  
23 specifically extends to Class Two special law enforcement officers  
24 the same immunity from civil liability granted to regular full-time  
25 law enforcement officers.

26 Under the bill, Class Two special law enforcement officers  
27 would be permitted to act as security at polling place on the day of  
28 an election to ensure that qualified voters are not obstructed from  
29 voting. The bill authorizes the automatic expungement of criminal  
30 charges that are filed against any law enforcement officer, including  
31 any Class Two special law enforcement officer, in the course of  
32 official duties if the officer is found not guilty. Class Two special law  
33 enforcement officers also would be entitled to paid leave to attend  
34 any State or national convention of the Special Police Organization.  
35 Under current law, paid leave is only granted to members of an  
36 organization affiliated with the New Jersey Policemen's Benevolent  
37 Association, Inc., the Fraternal Order of Police, the Firemen's  
38 Mutual Benevolent Association or the Professional Fire Fighters  
39 Association.

40 Currently, special law enforcement officers are prohibited from  
41 working more than 20 hours per week except: 1) during periods of  
42 emergency, 2) in resort municipalities, 3) or to provide public safety  
43 and law enforcement services to a public entity. This bill requires  
44 counties and municipalities in which special law enforcement  
45 officers work more than 20 hours per week to purchase liability  
46 insurance for acts or omissions committed by special law  
47 enforcement officers acting in the course of their official duties.

1       The bill also allows a department, commission, or agency to  
2       dismiss a complaint filed by a private citizen or an inmate against a  
3       regularly appointed, full-time law enforcement officer or Class Two  
4       special law enforcement officer without full investigation if it  
5       determines that the complaint does not constitute a violation of law  
6       or departmental rule or regulation. A complaint filed by a private  
7       citizen or an inmate also may be dismissed if the complainant failed  
8       to substantially comply with the complaint procedure prescribed by  
9       the employing department.

10       Finally, the bill expands the list of retired law enforcement  
11       officers who are eligible to receive a permit to carry a handgun to  
12       include retired arson investigators and Class Two special law  
13       enforcement officers who retire after four years of service. Under  
14       current law, certain retired law enforcement officers may annually  
15       apply for a permit to carry a handgun, until those officers reach age  
16       75, at which time they are no longer eligible. The permit allows a  
17       retired law enforcement officer to carry a handgun at all times.  
18       Under this bill, retired arson investigators and Class Two special  
19       law enforcement officers who retire after four years of service  
20       would be eligible to receive a carry permit.