

[First Reprint]

ASSEMBLY, No. 3119

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED MARCH 7, 2022

Sponsored by:

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Co-Sponsored by:

Assemblyman Spearman

SYNOPSIS

Clarifies certain law enforcement officers are eligible for special disciplinary arbitration.

CURRENT VERSION OF TEXT

As reported by the Assembly Law and Public Safety Committee on June 5, 2023, with amendments.



(Sponsorship Updated As Of: 5/8/2023)

1 AN ACT concerning law enforcement and amending ¹[P.L.1970,
2 c.211 and P.L.1989, c.291] **P.L.2009, c.16.**¹

3

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

6

7 ¹[1. Section 1 of P.L.1970, c. 211 (C.18A:6-4.2) is amended to
8 read as follows:

9 The governing body of any institution of higher education,
10 academy, school or other institution of learning may appoint such
11 persons as the governing body may designate to act as **[policemen]**
12 law enforcement officers for the institution. A law enforcement
13 officer appointed pursuant to this section shall be entitled to the
14 rights and privileges afforded to municipal law enforcement officers
15 pursuant to the provisions of chapter 14 of Title 40A of the New
16 Jersey Statutes.

17 (cf: P.L.1970, c.211, s.1)]¹

18

19 ¹[2. Section 2 of P.L.1989, c.291 (C.27:25-15.1) is amended to
20 read as follows:

21 2. a. There is established in the New Jersey Transit
22 Corporation a New Jersey Transit Police Department, which shall
23 be headed by a chief of police. This police department shall have
24 police and security responsibilities over all locations and services
25 owned, operated, or managed by the corporation and its
26 subsidiaries. The executive director of the New Jersey Transit
27 Corporation, through the chief of police of the New Jersey Transit
28 Police Department, shall have the power and authority to appoint
29 and employ such number of transit police officers as he deems
30 necessary to act as transit police officers of the corporation and to
31 administer to the transit police officers an oath or affirmation
32 faithfully to perform the duties of their respective positions or
33 offices. The transit police officers so appointed shall have general
34 authority, without limitation, to exercise police powers and duties,
35 as provided by law for police officers and law enforcement officers,
36 in all criminal and traffic matters at all times throughout the State
37 and, in addition, to enforce such rules and regulations as the
38 corporation shall adopt and deem appropriate. Nothing herein shall
39 confer upon the transit police officers so appointed or upon their
40 collective negotiations representative, exclusive jurisdiction or
41 claim over the exercise of police power or security work on behalf
42 of the corporation or any of its subsidiaries. Nothing herein shall
43 limit the executive director from continuing to call upon local
44 police for police services. The members of the New Jersey Transit
45 Police Department shall comply with all policies established by the

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ALP committee amendments adopted June 5, 2023

1 Attorney General, including rules and regulations, directives,
2 advisory opinions, and other guidelines, unless those policies are
3 inconsistent with federal laws, regulations, directives, advisory
4 opinions, or other guidelines relating to drug and alcohol testing,
5 alcohol misuse, or prohibited drug use applicable to the New Jersey
6 Transit Police Department. Transit police officers appointed
7 pursuant to this section shall be entitled to the rights and privileges
8 afforded to municipal law enforcement officers pursuant to the
9 provisions of chapter 14 of Title 40A of the New Jersey Statutes.

10 The executive director, through the chief of police of the New
11 Jersey Transit Police Department, shall, in accordance with
12 procedures established by the Superintendent of State Police,
13 investigate and determine the character, competency, integrity and
14 fitness of any person making application for appointment as a
15 police officer. The New Jersey Transit Police Department is
16 authorized to exchange fingerprint data and receive criminal history
17 record information from the State Bureau of Identification in the
18 Division of State Police and the Federal Bureau of Investigation,
19 Identification Division, for use in making this determination.

20 b. Rail police officers of the New Jersey Transit Rail
21 Operations Police Department who are employed by the corporation
22 on the effective date of this 1991 amendatory and supplementary act
23 shall continue in employment, and shall be appointed as transit
24 police officers of the corporation. The corporation shall recognize
25 any representative previously chosen by these police officers for the
26 purposes of collective negotiations consistent with the bargaining
27 units already established. The corporation shall also assume and
28 observe any existing labor contracts covering these police officers
29 for their remaining term; provided however, that the terms and
30 conditions of these labor contracts are within the scope of
31 negotiations as defined by the Public Employment Relations
32 Commission under the "New Jersey Employer-Employee Relations
33 Act," P.L.1941, c.100 (C.34:13A-1 et seq.).

34 c. Transit police officers appointed pursuant to this section
35 shall satisfy the training requirements established by the Police
36 Training Commission as follows:

37 (1) All officers appointed pursuant to this section after the
38 effective date of this 1989 amendatory and supplementary act shall
39 successfully complete, within one year of the date of their
40 appointment, a training course approved by the Police Training
41 Commission;

42 (2) All officers appointed and in employment on the effective
43 date of this 1989 amendatory and supplementary act may continue
44 in employment if, within 18 months of the effective date of this
45 1991 amendatory and supplementary act, they have satisfied the
46 training requirements of the Police Training Commission;

47 (3) The executive director, through the chief of police of the
48 New Jersey Transit Police Department, may request from the Police

1 Training Commission an exemption from all or part of the training
2 requirements of this subsection on behalf of a current or prospective
3 officer who demonstrates successful completion of a police training
4 course conducted by any federal, state or other public or private
5 agency, the requirements of which are substantially equivalent to
6 the requirements of the Police Training Commission.

7 d. Transit police officers shall qualify for an exemption from
8 the provisions of N.J.S.2C:39-5 if they satisfactorily complete a
9 firearms training course approved by the Police Training
10 Commission.

11 (cf: P.L.2018, c.162, s.15)]¹

12

13 ¹1. Section 1 of P.L.2009, c.16 (C.40A:14-200) is amended to
14 read as follows:

15 1. As used in this act:

16 "Law enforcement agency" or "agency" means any public
17 agency, other than the Department of Law and Public Safety, but
18 not including the Juvenile Justice Commission, any police force,
19 department, or division within the State, or any county or
20 municipality thereof, which is empowered by statute to act for the
21 detection, investigation, arrest, conviction, detention, or
22 rehabilitation of persons violating the criminal laws of this State.

23 "Law enforcement officer" or "officer" means any person who is
24 employed as a permanent full-time member of any State, county, or
25 municipal law enforcement agency, department, or division of those
26 governments , including, but not limited to an officer appointed
27 pursuant to section 1 of P.L.1970, c.211 (C.18A:6-4.2) or section 2
28 of P.L.1989, c.291 (C.27:25-15.1), or an officer appointed by the
29 Burlington County Bridge Commission pursuant to section 1 of
30 P.L.1960, c.168 (C.27:19-36.3), who is statutorily empowered to act
31 for the detection, investigation, arrest, conviction, detention, or
32 rehabilitation of persons violating the criminal laws of this State
33 and statutorily required to successfully complete a training course
34 approved by, or certified as being substantially equivalent to such
35 an approved course, by the Police Training Commission pursuant to
36 P.L.1961, c.56 (C.52:17B-66 et seq.).

37 "Paid firefighter" or "firefighter" means any full-time paid
38 firefighter employed by a public fire department.

39 "Public fire department" or "department" means any department
40 of a municipality, county, fire district or the State or any agency
41 thereof having employees engaged in firefighting provided that such
42 firefighting employees are included in a negotiating unit exclusively
43 comprised of firefighting employees.

44 (cf: P.L.2009, c.16, s.1)¹

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46 ¹[3.] 2.¹ This act shall take effect immediately.