

ASSEMBLY, No. 5689

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED NOVEMBER 20, 2023

Sponsored by:

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex)

SYNOPSIS

Allows persons who qualify under Deferred Action for Childhood Arrivals program to become law enforcement and corrections officers.

CURRENT VERSION OF TEXT

As introduced.



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

3

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

6

7 1. Section 1 of P.L.1991, c.110 (C.30:4-3.11) is amended to
8 read as follows:

9 1. A person shall not be appointed as a correctional police
10 officer of any correctional institution assigned, maintained, or
11 operated by the Department of Corrections unless that person:

12 a. is a citizen of the United States or has been granted relief
13 from federal immigration laws under the federal Deferred Action
14 for Childhood Arrivals program;

15 b. is able to read, write and speak the English language well
16 and intelligently and has a high school diploma or its equivalent;

17 c. is sound in body and of good health;

18 d. is of good moral character; and

19 e. has not been convicted of any offense which would make the
20 person unfit to perform the duties of the office as evidenced by a
21 criminal history record background check.

22 (cf: P.L.2021, c.305, s.3)

23

24 2. Section 2 of P.L.1991, c.110 (C.30:8-18.1) is amended to
25 read as follows:

26 2. No person shall be appointed as a corrections officer of any
27 county correctional institution unless that person:

28 a. Is a citizen of the United States or has been granted relief
29 from federal immigration laws under the federal Deferred Action
30 for Childhood Arrivals program;

31 b. Is able to read, write and speak the English language well
32 and intelligently and has a high school diploma or its equivalent;

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

34 d. Is of good moral character;

35 e. Has not been convicted of any offense which would make
36 him unfit to perform the duties of his office.

37 (cf: P.L.1991, c.110, s.2)

38

39 3. N.J.S.40A:14-122 is amended to read as follows:

40 40A:14-122. Except as otherwise provided by law, no person
41 shall be appointed as a member of the police department and force,
42 unless he:

43 (1) is a citizen of the United States or has been granted relief
44 from federal immigration laws under the federal Deferred Action
45 for Childhood Arrivals program;

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.

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1 (2) is sound in body and of good health sufficient to satisfy the
2 board of trustees of the police and firemen's retirement system of
3 New Jersey as to his eligibility for membership in the retirement
4 system;

5 (3) is able to read, write and speak the English language well and
6 intelligently;

7 (4) is of good moral character, and has not been convicted of any
8 criminal offense involving moral turpitude.

9 The appointing body, officer or officers of the municipality when
10 authorized so to do, may employ such officers and other personnel
11 for said police department and force as temporary employees in
12 emergencies, or for certain specified parts of the year, as needed.

13 Except as otherwise provided by law, any permanent member or
14 officer of such police department and force who shall be absent
15 from duty without just cause or leave of absence, for a continuous
16 period of 5 days, shall cease to be a member of such police
17 department and force.

18 (cf: P.L.1971, c.443, s.4)

19

20 4. Section 6 of P.L.1995, c.284 (C.52:17B-174) is amended to
21 read as follows:

22 6. a. The Juvenile Justice Commission shall employ, within
23 the limits of available funds, juvenile corrections officers to staff
24 each State secure juvenile facility and to provide security for other
25 State juvenile facilities and programs including parole programs as
26 deemed appropriate and to perform all other duties related to
27 enforcement of confinement and conditions of release including
28 execution of warrants and legal process. Juvenile corrections
29 officers shall be in the competitive division of the career service
30 established pursuant to N.J.S.11A:3-2, "policemen" within the
31 meaning of section 1 of P.L.1944, c.255 (C.43:16A-1) and members
32 of the Police and Firemen's Retirement System of New Jersey
33 established pursuant to section 2 of P.L.1944, c.255 (C.43:16A-2),
34 and shall be "employees" within the meaning of section 3 of
35 P.L.1941, c.100 (C.34:13A-3).

36 b. Except as provided in subsection c. of this section, no person
37 shall be appointed as a juvenile corrections officer unless that
38 person:

39 (1) Is a citizen of the United States or has been granted relief
40 from federal immigration laws under the federal Deferred Action
41 for Childhood Arrivals program;

42 (2) Is able to read, write and speak the English language well
43 and intelligently;

44 (3) Has a high school diploma or its equivalent;

45 (4) Is sound in body and of good health;

46 (5) Is of good moral character;

1 (6) Has not been convicted of any offense which would make
2 the person unfit to perform the duties of a juvenile corrections
3 officer;

4 (7) Has successfully completed the training course approved by
5 the Police Training Commission and required by section 5 of
6 P.L.1988, c.176 (C.52:17B-68.1) or is exempt pursuant to the
7 provisions of that section; and

8 (8) Meets such other qualifications, including education and
9 training, as may be specified by the commission in consultation
10 with the Civil Service Commission.

11 c. (1) Pending appointment of a full complement of juvenile
12 corrections officers who meet the requirements of subsection b. of
13 this section, the commission and the Commissioner of Corrections
14 shall arrange through agreement for the assignment of corrections
15 officers necessary to fill the positions transferred pursuant to
16 section 8 of P.L.1995, c.284 (C.52:17B-176). Corrections officers
17 assigned to the commission pursuant to such an agreement shall be
18 under the supervision of the commission during the period of
19 assignment as provided by the agreement between the commission
20 and the Commissioner of Corrections. The primary concerns of all
21 agreements governing assignment and supervision shall be public
22 safety and safety within the facilities and programs. No officer
23 assigned pursuant to such an agreement shall, by virtue of such
24 assignment, be considered an employee of the commission or lose
25 or suffer any diminution of any right, power, privilege or benefit to
26 which the employee would otherwise be entitled pursuant to the
27 provisions of Title 11A of the New Jersey Statutes, Title 34 of the
28 Revised Statutes, or Title 43 of the Revised Statutes, including any
29 rights, powers, privileges or benefits as to salary, seniority,
30 promotion, re-employment, retirement, pension or representation
31 for purposes of collective bargaining;

32 (2) Notwithstanding the provisions of subsection b. of this
33 section, a corrections officer assigned to the commission pursuant
34 to this section shall not be considered ineligible for the position of
35 juvenile corrections officer solely because the officer does not meet
36 any educational or training requirement the commission may
37 establish and may be appointed as a juvenile corrections officer if
38 the officer applies for such position within 18 months of the
39 effective date of this act. A juvenile corrections officer appointed
40 pursuant to this subsection shall not be deprived of any right or
41 protection provided by Title 11A of the New Jersey Statutes or any
42 pension or retirement system and, notwithstanding any law or
43 regulation to the contrary, shall be eligible to compete for vacant
44 positions within the Department of Corrections with full credit for
45 experience, service and rank earned as an employee of the
46 Department of Corrections and such credit for experience, service
47 and rank earned as an employee of the commission as the

1 Commissioner of Corrections, after consultation with the Civil
2 Service Commission, deems appropriate.

3 d. Each juvenile corrections officer shall by virtue of such
4 employment and in addition to any other power or authority, be
5 empowered to act as an officer for the detection, apprehension,
6 arrest and adjudication of offenders against the law and, subject to
7 regulations promulgated by the commission and conditions set forth
8 in N.J.S.2C:39-6, shall have the authority to possess and carry a
9 firearm.
10 (cf: P.L.2008, c.29, s.111)

11
12 5. (New section) A person who has been granted relief from
13 federal immigration laws under the federal Deferred Action for
14 Childhood Arrivals program and is appointed as a correctional
15 police officer pursuant to section 1 of P.L.1991, c.110 (C.30:4-
16 3.11), county corrections officer pursuant to section 2 of P.L.1991,
17 c.110 (C.30:8-18.1), law enforcement officer pursuant to
18 N.J.S.40A:14-122, or juvenile corrections officer pursuant to
19 section 6 of P.L.1995, c.284 (C.52:17B-174) shall be entitled to
20 carry a firearm in the course of the officer's employment and when
21 required by the officer's supervising authority.

22
23 6. This act shall take effect immediately.

24
25

26 STATEMENT

27

28 This bill allows persons who have been granted relief under the
29 federal Deferred Action for Childhood Arrivals (DACA) program to
30 become law enforcement officers, State and county correctional
31 police officers, and juvenile corrections officers.

32 Under current law, a person is required to be a United States
33 citizen as a prerequisite to being appointed as a law enforcement or
34 corrections officer. The DACA program was established by the
35 federal government to protect from deportation certain noncitizens
36 who were brought to the United States as children and allow them
37 to receive work permits. Under this bill, persons who qualify under
38 the DACA program would be eligible to become law enforcement
39 or corrections officers. The bill also clarifies that a person who
40 qualifies under the DACA program and is appointed as a law
41 enforcement or corrections officer would be entitled carry a firearm
42 in the course of the officer's employment and when required by the
43 officer's supervising authority.