

SENATE, No. 4780

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED OCTOBER 5, 2026

Sponsored by:
Senator BRIAN P. STACK
District 33 (Hudson)

SYNOPSIS

Requires county prosecutor to initiate municipal, county, and higher education law enforcement internal affairs investigations.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT requiring the county prosecutor to initiate certain law
2 enforcement internal affairs investigations and amending
3 P.L.2018, c.35 and P.L.1996, c.115.

4

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

7

8 1. Section 4 of P.L.2018, c.35 (C.2C:58-23) is amended as
9 follows:

10 4. a. Except as provided in subsection 1. of this section, a
11 petitioner may file a petition, as prescribed by the Administrative
12 Director of the Courts, for a temporary extreme risk protective
13 order in the court in accordance with the Rules of Court alleging
14 that the respondent poses a significant danger of bodily injury to
15 self or others by having custody or control of, owning, possessing,
16 purchasing, or receiving a firearm. The petition shall be heard by
17 the court in an expedited manner.

18 Petition forms shall be readily available at the courts, and at
19 State, county, and municipal law enforcement agencies.

20 Prior to filing a petition with the court, a family or household
21 member may request assistance from a State, county, or municipal
22 law enforcement agency which shall advise the petitioner of the
23 procedure for completing and signing a petition for a temporary
24 extreme risk protective order. A law enforcement officer from the
25 agency may assist the family or household member in preparing or
26 filing the petition. This assistance may include, but not be limited
27 to, providing information related to the factors set forth in
28 subsection f. of this section, joining in the petition, referring the
29 matter to another law enforcement agency for additional assistance,
30 or filing the officer's own petition with the court.

31 Filing a petition pursuant to this section shall not prevent a
32 petitioner from filing a criminal complaint or applying for a
33 restraining order pursuant to the "Prevention of Domestic Violence
34 Act of 1991," P.L.1991, c.261 (C.2C:25-17 et seq.) or prevent any
35 person from taking any action authorized pursuant to P.L.1987,
36 c.116 (C.30:4-27.1 et seq.) based on the circumstances forming the
37 basis of the petition.

38 A petitioner may apply for relief under this section in accordance
39 with the Rules of Court.

40 b. A petition for a temporary extreme risk protective order shall
41 include an affidavit setting forth the facts tending to establish the
42 grounds of the petition, or the reason for believing that they exist,
43 and, to the extent available, the number, types, physical description,
44 and locations of any firearms and ammunition currently believed by
45 the petitioner to be controlled or possessed by the respondent.

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 c. The court shall not charge a fee to file the petition.

2 d. The court, before issuing a temporary extreme risk
3 protective order, shall examine under oath the petitioner and any
4 witness the petitioner may produce. The court, in lieu of examining
5 the petitioner and any witness, may rely on an affidavit submitted in
6 support of the petition.

7 e. A judge shall issue the order if the court finds good cause to
8 believe that the respondent poses an immediate and present danger
9 of causing bodily injury to the respondent or others by having
10 custody or control of, owning, possessing, purchasing, or receiving
11 a firearm.

12 f. The county prosecutor or a designee of the county
13 prosecutor shall produce in an expedited manner any available
14 evidence including, but not limited to, available evidence related to
15 the factors set forth in this section, and the court shall consider
16 whether the respondent:

17 (1) has any history of threats or acts of violence by the
18 respondent directed toward self or others;

19 (2) has any history of use, attempted use, or threatened use of
20 physical force by the respondent against another person;

21 (3) is the subject of a temporary or final restraining order or has
22 violated a temporary or final restraining order issued pursuant to the
23 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261
24 (C.2C:25-17 et seq.);

25 (4) is the subject of a temporary or final protective order or has
26 violated a temporary or final protective order issued pursuant to the
27 "Victim's Assistance and Survivor Protection Act," P.L.2015, c.147
28 (C.2C:14-13 et al.);

29 (5) has any prior arrests, pending charges, or convictions for a
30 violent indictable crime or disorderly persons offense, stalking
31 offense pursuant to section 1 of P.L.1992, c.209 (C.2C:12-10), or
32 domestic violence offense enumerated in section 3 of P.L.1991,
33 c.261 (C.2C:25-19);

34 (6) has any prior arrests, pending charges, or convictions for any
35 offense involving cruelty to animals or any history of acts involving
36 cruelty to animals;

37 (7) has any history of drug or alcohol abuse and recovery from
38 this abuse; or

39 (8) has recently acquired a firearm, ammunition, or other deadly
40 weapon.

41 g. The temporary extreme risk protective order shall prohibit
42 the respondent from having custody or control of, owning,
43 purchasing, possessing, or receiving firearms or ammunition, and
44 from securing or holding a firearms purchaser identification card or
45 permit to purchase a handgun pursuant to N.J.S.2C:58-3, or a
46 permit to carry a handgun pursuant to N.J.S.2C:58-4 during the
47 period the protective order is in effect and shall order the
48 respondent to surrender firearms and ammunition in the

1 respondent's custody or control, or which the respondent possesses
2 or owns, and any firearms purchaser identification card, permit to
3 purchase a handgun, or permit to carry a handgun held by the
4 respondent in accordance with section 7 of P.L.2018, c.35
5 (C.2C:58-26). Any card or permit issued to the respondent shall be
6 immediately revoked pursuant to subsection f. of N.J.S.2C:58-3.

7 h. A temporary extreme risk protective order issued under this
8 section shall remain in effect until a court issues a further order.

9 i. The court that issues the temporary extreme risk protective
10 order shall immediately forward:

11 (1) a copy of the order to the petitioner and county prosecutor in
12 the county in which the respondent resides; and

13 (2) a copy of the order and the petition to the appropriate law
14 enforcement agency in the municipality in which the respondent
15 resides, which shall immediately, or as soon as practicable, serve it
16 on the respondent.

17 If personal service cannot be effected upon the respondent, the
18 court may order other appropriate substituted service. At no time
19 shall a petitioner who is a family or household member be asked or
20 required to serve any order on the respondent. The law enforcement
21 agency serving the order shall not charge a fee or seek
22 reimbursement from the petitioner for service of the order.

23 j. Notice of temporary extreme risk protective orders issued
24 pursuant to this section shall be sent by the county prosecutor to the
25 appropriate chiefs of police, members of the State Police, and any
26 other appropriate law enforcement agency or court.

27 k. Any temporary extreme risk protective order issued pursuant
28 to this section shall be in effect throughout the State, and shall be
29 enforced by all law enforcement officers.

30 l. (1) A petition for a temporary extreme risk protective order
31 filed against a law enforcement officer shall be filed in the law
32 enforcement agency in which the officer is employed. The law
33 enforcement officer or employee receiving the petition shall advise
34 the petitioner of the procedure for completing and signing a
35 petition.

36 (2) Upon receipt of the petition, the law enforcement officer's
37 employer shall immediately transfer the petition to the county
38 prosecutor to initiate an internal affairs investigation.

39 (3) The **【**disposition of the internal affairs investigation shall
40 immediately be served upon the**】** county prosecutor **【**who**】** shall
41 make a determination whether to refer the matter to the courts.

42 (4) The law enforcement officer's employer shall take
43 appropriate steps to implement any findings set forth in the
44 disposition of the internal affairs investigation.

45 The law enforcement officer shall not be terminated during the
46 pendency of the internal affairs investigation.

47 (cf: P.L.2023, c.127, s.7)

1 2. Section 10 of P.L.1996, c.115 (C.40A:14-181) is amended to
2 read as follows:

3 10. a. Every law enforcement agency, including a police
4 department of an institution of higher education established
5 pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.), shall adopt and
6 implement guidelines which shall be consistent with the guidelines
7 governing the "Internal Affairs Policy and Procedures" of the
8 **【Police Management Manual promulgated by the Police Bureau of**
9 **the Division of Criminal Justice in the】** Department of Law and
10 Public Safety, and shall be consistent with any tenure or civil
11 service laws, and shall not supersede any existing contractual
12 agreements.

13 b. Every municipal and county law enforcement agency and
14 every police department of an institution of higher education
15 established pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.) shall,
16 upon receipt of a complaint of officer misconduct from any person,
17 immediately transfer the filed complaint to the county prosecutor to
18 initiate an investigation.
19 (cf: P.L.2015, c.52, s.1)
20

21 3. This act shall take effect on the first day of the fourth month
22 next following enactment, except that the Attorney General may
23 take any anticipatory administrative action as shall be necessary for
24 the implementation of this act.
25

26 27 STATEMENT

28
29 This bill requires the county prosecutor to initiate all internal
30 affairs investigations for municipal and county law enforcement
31 agencies, and for higher education law enforcement agencies
32 established pursuant to P.L.1970, c.211 (C.18A:6-4.2).

33 The bill also requires that upon receipt of a complaint of officer
34 misconduct by any person, a municipal, county, or higher education
35 law enforcement agency is required to transfer the filed complaint
36 to the county prosecutor to initiate an investigation.

37 The bill also requires a petition for an extreme risk protection
38 order filed against a law enforcement officer to be transferred from
39 the officer's agency to the county prosecutor immediately upon
40 receipt. The county prosecutor is then required to initiate an
41 internal affairs investigation. The prosecutor retains the power to
42 decide if the matter will be referred to the courts.