

CHAPTER 68

AN ACT concerning security in schools and certain colleges and amending P.L.1985, c.439.

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

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

C.40A:14-146.10 Special law enforcement officers.

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

b. A person shall not be appointed as a special law enforcement officer unless the person:

- (1) Is a resident of this State during the term of appointment;
- (2) Is able to read, write and speak the English language well and intelligently and has a high school diploma or its equivalent;
- (3) Is sound in body and of good health;
- (4) Is of good moral character;
- (5) Has not been convicted of any offense involving dishonesty or which would make him unfit to perform the duties of his office;
- (6) Has successfully undergone the same psychological testing that is required of all full-time police officers in the municipality or county or, with regard to a special law enforcement officer hired for a seasonal period by a resort municipality which requires psychological testing of its full-time police officers, has successfully undergone a program of psychological testing approved by the commission.

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

d. No person shall be appointed to serve as a special law enforcement officer in more than one local unit at the same time, nor shall any permanent, regularly appointed full-time police officer of any local unit be appointed as a special law enforcement officer in any local unit. No public official with responsibility for setting law enforcement policy or exercising authority over the budget of the local unit or supervision of the police department of a local unit shall be appointed as a special law enforcement officer.

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

f. Any person who at any time prior to his appointment had served as a duly qualified, fully-trained, full-time officer in any municipality or county of this State and who was separated from that prior service in good standing, shall be eligible to serve as a special law enforcement officer consistent with guidelines promulgated by the commission. The training requirements set forth in section 4 of P.L.1985, c.439 (C.40A:14-146.11) may be waived by the commission with regard to any person eligible to be appointed as a special law enforcement officer pursuant to the provisions of this section.

g. In addition to the qualifications established in subsection b. of this section, a person shall not be appointed as a Class Three special law enforcement officer unless the person:

(1) is a retired law enforcement officer who is less than 65 years of age; for the purposes of this paragraph, a law enforcement officer shall not be considered retired if the officer's return to employment violates any federal or State law or regulation which would deem the officer's retirement as not being bona fide;

(2) had served as a duly qualified, fully-trained, full-time officer in any municipality or county of this State or as a member of the State Police and was separated from that prior service in good standing, within three years of appointment, except during the first year following the effective date of P.L.2016, c.68, was separated from that prior service within five years of appointment;

(3) is physically capable of performing the functions of the position, determined in accordance with Police Training Commission guidelines;

(4) possesses a New Jersey Police Training Commission Basic Police Officer Certification or New Jersey State Police Academy Certification;

(5) has completed the training course for safe schools resource officers developed pursuant to subsection a. of section 2 of P.L.2005, c.276 (C.52:17B-71.8); and

(6) is hired in a part-time capacity.

For the purposes of this subsection, "good standing" shall exclude a retirement resulting from injury or incapacity.

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

C.40A:14-146.11 Training; classifications.

4. a. A person shall not commence the duties of a special law enforcement officer unless the person has successfully completed a training course approved by the commission and a special law enforcement officer shall not be issued a firearm unless the officer has successfully completed the basic firearms course approved by the commission for permanent, regularly appointed police and annual requalification examinations as required by subsection b. of section 7 of P.L.1985, c.439 (C.40A:14-146.14). There shall be three classifications for special police officers. The commission shall prescribe by rule or regulation the training standards to be established for each classification. Training may be in a commission approved academy or in any other training program which the commission may determine appropriate. The classifications shall be based upon the duties to be performed by the special law enforcement officer as follows:

(1) Class One. Officers of this class shall be authorized to perform routine traffic detail, spectator control, and similar duties. If authorized by ordinance or resolution, as appropriate, Class One officers shall have the power to issue summonses for disorderly persons and petty disorderly persons offenses, violations of municipal ordinances, and violations of Title 39 of the Revised Statutes. The use of a firearm by an officer of this class shall be strictly prohibited and a Class One officer shall not be assigned any duties which may require the carrying or use of a firearm.

(2) Class Two. Officers of this class shall be authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer. The use of a firearm by an officer of this class may be authorized only after the officer has been fully certified as successfully completing training as prescribed by the commission.

(3) Class Three. Officers of this class shall be authorized to exercise full powers and duties similar to those of a permanent, regularly appointed full-time police officer while providing security at a public or nonpublic school or a county college on the school or college premises during hours when the public or nonpublic school or county college is

normally in session or when it is occupied by public or nonpublic school or county college students or their teachers or professors. While on duty in the jurisdiction of employment, an officer may respond to offenses or emergencies off school or college grounds if they occur in the officer's presence while traveling to a school facility or county college, but an officer shall not otherwise be dispatched or dedicated to any assignment off school or college property.

The use of a firearm by an officer of this class shall be authorized pursuant to the provisions of subsection b. of section 7 of P.L.1985, c.439 (C.40A:14-146.14). An officer of this class shall not be authorized to carry a firearm while off duty unless the officer complies with the requirements set forth in subsection l. of N.J.S.2C:39-6 authorizing a retired law enforcement officer to carry a handgun.

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

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

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

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

C.40A:14-146.14 Special law enforcement officers, appointment, terms, regulations.

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

b. A special law enforcement officer shall not carry a firearm except while engaged in the actual performance of the officer's official duties and when specifically authorized by the chief of police, or, in the absence of the chief, other chief law enforcement officer of the local unit to carry a firearm and provided that the officer has satisfactorily completed the basic firearms course required by the commission for regular police officers and annual requalification examinations as required for permanent, regularly appointed full-time officers in the local unit.

A special law enforcement officer shall be deemed to be on duty only while the officer is performing the public safety functions on behalf of the local unit pursuant to this act and when the officer is receiving compensation, if any, from the local unit at the rates or stipends as shall be established by ordinance. A special law enforcement officer shall not be deemed to be on duty for purposes of this act while performing private security duties for private employers, which duties are not assigned by the chief of police, or, in the absence of the chief, other chief law enforcement officer of the local unit, or while receiving compensation for those duties from a private employer. A special law enforcement officer may, however,

be assigned by the chief of police or, in the absence of the chief, other chief law enforcement officer, to perform public safety functions for a private entity if the chief of police or other chief law enforcement officer supervises the performance of the public safety functions. If the chief of police or other chief law enforcement officer assigns the public safety duties and supervises the performance of those duties, then, notwithstanding that the local unit is reimbursed for the cost of assigning a special law enforcement officer at a private entity, the special law enforcement officer shall be deemed to be on duty.

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

Any firearm utilized by a special law enforcement officer shall be returned at the end of the officer's workday to the officer in charge of the station house, unless the firearm is owned by the special law enforcement officer and was acquired in compliance with a condition of employment established by the local unit. Any special law enforcement officer first appointed after the effective date of this act shall only use a firearm supplied by the local unit. A special law enforcement officer shall not carry a revolver or other similar weapon when off duty; but if any special law enforcement officer appointed by the governing body of any municipality having a population in excess of 300,000, according to the 1980 federal census, who is a resident of the municipality and is employed as a special law enforcement officer at least 35 hours per week, or less at the discretion of the chief of police and mayor, shall, at the direction of the chief of police, have taken and successfully completed a firearms training course administered by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and has successfully completed within three years of the effective date of P.L.1985, c.45 or three years of the date of appointment of the special law enforcement officer, whichever is later, 280 hours of training in arrest, search and seizure, criminal law, and the use of deadly force, and shall annually qualify in the use of a revolver or similar weapon, the special law enforcement officer shall be permitted to carry a revolver or other similar weapon when off duty within the municipality where the officer is employed. Specific authorization shall be in the form of a permit which shall not be unreasonably withheld, which is subject to renewal annually and may be revoked at any time by the chief of police. The permit shall be on the person of the special law enforcement officer whenever a revolver or other similar weapon is carried off duty. A permit shall not be issued until the special law enforcement officer has successfully completed all training courses required under this section. Any training courses completed by a special law enforcement officer under the direction of the chief of police in a school and a curriculum approved by the Police Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), shall be credited towards the 280 hours of training required to be completed by this section. Any training required by this section shall commence within 90 days of the effective date of P.L.1985, c.45 or within 90 days of the date of the appointment of the special law enforcement officer, whichever is later.

c. A special law enforcement officer shall be under the supervision and direction of the chief of police or, in the absence of the chief, other chief law enforcement officer of the local unit wherein the officer is appointed, and shall perform the officer's duties only in the local unit except when in fresh pursuit of any person pursuant to chapter 156 of Title 2A of the New Jersey Statutes or when authorized to perform duties in another unit pursuant to a

mutual aid agreement enacted in accordance with section 1 of P.L.1976, c.45 (C.40A:14-156.1).

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

e. Notwithstanding any provision of P.L.1985, c.439 (C.40A:14-146.8 et seq.) to the contrary, a special law enforcement officer may travel through another local unit to reach a noncontiguous area of the local unit in which the officer's appointment was issued or to transport persons to and from a correctional facility.

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

C.40A:14-146.16 Limitation on hours.

9. a. Except as provided in subsection c. of this section, a special law enforcement officer shall not be employed for more than 20 hours per week by the local unit except that special law enforcement officers may be employed by the local unit for those hours as the governing body may determine necessary in accordance with the limits prescribed below:

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

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

(3) In all municipalities or counties in addition to not more than 20 hours per week including duties assigned pursuant to the provisions of section 7 of P.L.1985, c.439 (C.40A:14-146.14) a special law enforcement officer may be assigned for not more than 20 hours per week to provide public safety and law enforcement services to a public entity.

(4) In municipalities or counties, as provided in subsection b. of section 7 of P.L.1985, c.439 (C.40A:14-146.14), for hours to be determined at the discretion of the director of the municipal or county police force.

(5) A Class Three special law enforcement officer in all municipalities without limitation.

b. Notwithstanding any provision of P.L.1985, c.439 (C.40A:14-146.8 et seq.) to the contrary, special law enforcement officers may be employed only to assist the local law enforcement unit but may not be employed to replace or substitute for full-time, regular police officers or in any way diminish the number of full-time officers employed by the local unit. A Class Three special law enforcement officer may be employed only to assist the local law enforcement unit with security duties and shall not supplant a law enforcement officer employed pursuant to the provisions of N.J.S.18A:17-43 or a safe schools resource officer employed pursuant to the provisions of section 3 of P.L.2005, c.276 (C.18A:17-43.1).

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

d. A Class Three special law enforcement officer appointed pursuant to the provisions of P.L.1985, c.439 (C.40A:14-146.8 et seq.) shall not, based on this appointment, be eligible for health care benefits or enrollment in any State-administered retirement system.

5. This act shall take effect on the first day of the seventh month following enactment, but the Police Training Commission and the Commissioner of Education may take any anticipatory action prior to the effective date needed for the timely implementation of this act.

Approved November 30, 2016.