

# **Chapter 68, P.L. 2016**

(Approved November 30, 2016)

[Fourth Reprint]

## **SENATE, No. 86**

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# **STATE OF NEW JERSEY**

## **217th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

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**Senator STEPHEN M. SWEENEY**

**District 3 (Cumberland, Gloucester and Salem)**

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**District 35 (Bergen and Passaic)**

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**SYNOPSIS**

Establishes Class Three special law enforcement officers to provide security in public and nonpublic schools and county colleges.

**(Sponsorship Updated As Of: 11/22/2016)**

**CURRENT VERSION OF TEXT**

As amended on September 15, 2016 by the Senate pursuant to the Governor's recommendations.



**(Sponsorship Updated As Of: 11/22/2016)**

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1 AN ACT concerning [school] security <sup>1</sup>in schools and certain  
2 colleges<sup>1</sup> and amending P.L.1985, c.439 <sup>3</sup><sup>1</sup>and P.L.2005,  
3 c.276<sup>1</sup><sup>3</sup> .  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

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

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

16 b. **[No]** A person **[may]** shall not be appointed as a special law  
17 enforcement officer unless the person:

18 (1) Is a resident of this State during the term of appointment;

19 (2) Is able to read, write and speak the English language well  
20 and intelligently and has a high school diploma or its equivalent;

21 (3) Is sound in body and of good health;

22 (4) Is of good moral character;

23 (5) Has not been convicted of any offense involving dishonesty  
24 or which would make him unfit to perform the duties of his office;

25 (6) Has successfully undergone the same psychological testing  
26 that is required of all full-time police officers in the municipality or  
27 county or, with regard to a special law enforcement officer hired for  
28 a seasonal period by a resort municipality which requires  
29 psychological testing of its full-time police officers, has  
30 successfully undergone a program of psychological testing  
31 approved by the commission.

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

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

**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:

<sup>1</sup>Senate SLP committee amendments adopted February 4, 2015.

<sup>2</sup>Senate floor amendments adopted February 11, 2016.

<sup>3</sup>Assembly AED committee amendments adopted June 20, 2016.

<sup>4</sup>Senate amendments adopted in accordance with Governor's  
recommendations September 15, 2016.

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1 the local unit or supervision of the police department of a local unit  
2 shall be appointed as a special law enforcement officer.

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

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

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

21 (1) is a retired law enforcement officer who is less than 65 years  
22 of age; <sup>2</sup>for the purposes of this paragraph, a law enforcement  
23 officer shall not be considered retired if the officer's return to  
24 employment violates any federal or State law or regulation which  
25 would deem the officer's retirement as not being bona fide;<sup>2</sup>

26 (2) had served as a duly qualified, fully-trained, full-time officer  
27 in any municipality or county of this State <sup>1</sup>or as a member of the  
28 State Police<sup>1</sup> and was separated from that prior service in good  
29 standing, within three years of appointment, except during the first  
30 year following the effective date of P.L. c. (pending before  
31 the Legislature as this bill), was separated from that prior service  
32 within five years of appointment;

33 (3) is physically capable of performing the functions of the  
34 position <sup>1</sup>, determined in accordance with Police Training  
35 Commission guidelines<sup>1</sup>; <sup>1</sup>[and]<sup>1</sup>

36 (4) possesses a New Jersey Police Training Commission Basic  
37 Police Officer Certification or New Jersey State Police Academy  
38 Certification <sup>1</sup>;

39 <sup>4</sup>(5) has completed the training course for safe schools resource  
40 officers developed pursuant to subsection a. of section 2 of  
41 P.L.2005, c.276 (C.52:17B-71.8);<sup>4</sup> <sup>2</sup>[and]<sup>2</sup>

42 <sup>3</sup>(5) has completed the training course for safe schools resource  
43 officers developed pursuant to subsection a. of section 2 of  
44 P.L.2005, c.276 (C.52:17B-71.8)<sup>1</sup> <sup>2</sup>;<sup>3</sup> and

45 <sup>3</sup>[(6)] <sup>4</sup>[(5)]<sup>3</sup> (6)<sup>4</sup> is hired in a part-time capacity<sup>2</sup> .

46 For the purposes of this subsection, "good standing" shall

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1 exclude a retirement resulting from injury or incapacity.  
2 (cf: P.L.2013, c.21, s.3)

3

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

6 4. a. [No] A person [may] shall not commence <sup>1</sup>[his] the<sup>1</sup>  
7 duties <sup>1</sup>[as] of<sup>1</sup> a special law enforcement officer unless [he] the  
8 person has successfully completed a training course approved by  
9 the commission and [no] a special law enforcement officer [may]  
10 shall not be issued a firearm unless [he] the officer has successfully  
11 completed the basic firearms course approved by the commission  
12 for permanent, regularly appointed police and annual requalification  
13 examinations as required by subsection b. of section 7 of [this act]  
14 P.L.1985, c.439 (C.40A:14-146.14). There shall be [two] three  
15 classifications for special police officers. The commission shall  
16 prescribe by rule or regulation the training standards to be  
17 established for each classification. Training may be in a  
18 commission approved academy <sup>1</sup>[, which shall include the New  
19 Jersey State Police Academy,]<sup>1</sup> or in any other training program  
20 which the commission may determine appropriate. The  
21 classifications shall be based upon the duties to be performed by the  
22 special law enforcement officer as follows:

23 (1) Class One. Officers of this class shall be authorized to  
24 perform routine traffic detail, spectator control <sup>1,1</sup> and similar  
25 duties. If authorized by ordinance or resolution, as appropriate,  
26 Class One officers shall have the power to issue summonses for  
27 disorderly persons and petty disorderly persons offenses, violations  
28 of municipal ordinances<sup>1,1</sup> and violations of Title 39 of the Revised  
29 Statutes. The use of a firearm by an officer of this class shall be  
30 strictly prohibited and <sup>1</sup>[no] a<sup>1</sup> Class One officer shall <sup>1</sup>not<sup>1</sup> be  
31 assigned any duties which may require the carrying or use of a  
32 firearm.

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

39 (3) Class Three. Officers of this class shall be authorized to  
40 exercise full powers and duties similar to those of a permanent,  
41 regularly appointed full-time police officer while providing security  
42 at a public or nonpublic school <sup>1</sup>or a county college<sup>1</sup> on the school  
43 <sup>1</sup>or college<sup>1</sup> premises during hours when the public or nonpublic  
44 school <sup>1</sup>or county college<sup>1</sup> is normally in session or when it is  
45 occupied by public or nonpublic school <sup>1</sup>or county college<sup>1</sup> students  
46 or their teachers <sup>1</sup>or professors<sup>1</sup>. While on duty in the jurisdiction  
47 of employment, an officer may respond to offenses or emergencies  
48 off school <sup>1</sup>or college<sup>1</sup> grounds if they occur in the officer's

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1 presence while traveling to a school facility<sup>1</sup> or county college<sup>1</sup>, but  
2 an officer shall not otherwise be dispatched or dedicated to any  
3 assignment off school<sup>1</sup> or college<sup>1</sup> property.

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

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 <sup>1</sup>[he] the person<sup>1</sup> has successfully  
14 completed a police training course conducted by any federal, state  
15 or other 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 (cf: P.L.2013, c.21, s.4)

27  
28 3. Section 7 of P.L.1985, c.439 (C.40A:14-146.14) is amended  
29 to read as follows:

30 a. Special law enforcement officers may be appointed for terms  
31 not to exceed one year, and the appointments may be revoked by  
32 the local unit for cause after adequate hearing, unless the  
33 appointment is for four months or less, in which event the  
34 appointment may be revoked without cause or hearing. Nothing  
35 herein shall be construed to require reappointment upon the  
36 expiration of the term. The special law enforcement officers so  
37 appointed shall not be members of the police force of the local unit,  
38 and their powers and duties as determined pursuant to this act shall  
39 cease at the expiration of the term for which <sup>1</sup>they were<sup>1</sup> appointed.

40 b. **[No]** A special law enforcement officer **[may]** shall not carry  
41 a firearm except while engaged in the actual performance of the  
42 officer's official duties and when specifically authorized by the  
43 chief of police, or, in the absence of the chief, other chief law  
44 enforcement officer of the local unit to carry a firearm and provided  
45 that the officer has satisfactorily completed the basic firearms  
46 course required by the commission for regular police officers and  
47 annual requalification examinations as required for permanent,  
48 regularly appointed full-time officers in the local unit.

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1 A special law enforcement officer shall be deemed to be on duty  
2 only while <sup>1</sup>[he] the officer<sup>1</sup> is performing the public safety  
3 functions on behalf of the local unit pursuant to this act and when  
4 <sup>1</sup>[he] the officer<sup>1</sup> is receiving compensation, if any, from the local  
5 unit at the rates or stipends as shall be established by ordinance. A  
6 special law enforcement officer shall not be deemed to be on duty  
7 for purposes of this act while performing private security duties for  
8 private employers, which duties are not assigned by the chief of  
9 police, or, in the absence of the chief, other chief law enforcement  
10 officer of the local unit, or while receiving compensation for those  
11 duties from a private employer. A special law enforcement officer  
12 may, however, be assigned by the chief of police or, in the absence  
13 of the chief, other chief law enforcement officer, to perform public  
14 safety functions for a private entity if the chief of police or other  
15 chief law enforcement officer supervises the performance of the  
16 public safety functions. If the chief of police or other chief law  
17 enforcement officer assigns the public safety duties and supervises  
18 the performance of those duties, then, notwithstanding that the local  
19 unit is reimbursed for the cost of assigning a special law  
20 enforcement officer at a private entity, the special law enforcement  
21 officer shall be deemed to be on duty.

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

30 Any firearm utilized by a special law enforcement officer shall  
31 be returned at the end of the officer's workday to the officer in  
32 charge of the station house, unless the firearm is owned by the  
33 special law enforcement officer and was acquired in compliance  
34 with a condition of employment established by the local unit. Any  
35 special law enforcement officer first appointed after the effective  
36 date of this act shall only use a firearm supplied by the local unit.  
37 ~~[No such]~~ A special ~~[police]~~ law enforcement officer shall not carry  
38 a revolver or other similar weapon when off duty; but if any  
39 <sup>1</sup>[such]<sup>1</sup> special <sup>1</sup>[police] law enforcement<sup>1</sup> officer appointed by the  
40 governing body of any municipality having a population in excess  
41 of 300,000, according to the 1980 federal census, who is a resident  
42 of the municipality and is employed as a special <sup>1</sup>[police] law  
43 enforcement<sup>1</sup> officer at least 35 hours per week, or less at the  
44 discretion of the chief of police and mayor, shall, at the direction of  
45 the chief of police, have taken and successfully completed a  
46 firearms training course administered by the Police Training  
47 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and  
48 has successfully completed within three years of the effective date

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

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

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

39 e. Notwithstanding any provision of P.L.1985,  
40 c.439 (C.40A:14-146.8 et seq.) to the contrary, a special law  
41 enforcement officer may travel through another local unit to reach a  
42 noncontiguous area of the local unit in which <sup>1</sup>[his] the officer's<sup>1</sup>  
43 appointment was issued or to transport persons to and from a  
44 correctional facility.

45 (cf: P.L.1991, c.46, s.1)

46

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



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1       9. a. Except as provided in subsection c. of this section, [no] a  
2 special law enforcement officer [may] shall not be employed for  
3 more than 20 hours per week by the local unit except that special  
4 law enforcement officers may be employed by the local unit for  
5 those hours as the governing body may determine necessary in  
6 accordance with the limits prescribed below:

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

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

11       (3) In all municipalities or counties in addition to not more than  
12 20 hours per week including duties assigned pursuant to the  
13 provisions of section 7 of [this act] P.L.1985, c.439 (C.40A:14-  
14 146.14) a special law enforcement officer may be assigned for not  
15 more than 20 hours per week to provide public safety and law  
16 enforcement services to a public entity.

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

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

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

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

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

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

44

45       <sup>3</sup>[<sup>1</sup>5. Section 2 of P.L.2005, c.276 (C.52:17B-71.8) is amended  
46 to read as follows:

47       2. a. The Police Training Commission in the Division of  
48 Criminal Justice in the Department of Law and Public Safety, in

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1 consultation with the Attorney General, shall develop a training  
2 course for safe schools resource officers and public school  
3 employees assigned by a board of education to serve as a school  
4 liaison to law enforcement. The Attorney General, in conjunction  
5 with the Police Training Commission, shall ensure that the training  
6 course is developed within 180 days of the effective date of this act.  
7 The course shall at a minimum provide comprehensive and  
8 consistent training in current school resource officer practices and  
9 concepts. The course shall include training in the protection of  
10 students from harassment, intimidation, and bullying, including  
11 incidents which occur through electronic communication. The  
12 course shall be made available to:

13 (1) any law enforcement officer or public school employee  
14 referred by the board of education of the public school to which  
15 assignment as a safe schools resource officer or school liaison to  
16 law enforcement is sought; [and]

17 (2) any safe schools resource officer or school liaison to law  
18 enforcement assigned to a public school prior to the effective date  
19 of P.L.2005, c.276 (C.52:17B-71.8 et al.); and

20 (3) any retired law enforcement officer to which assignment as a  
21 Class Three special law enforcement officer is sought pursuant to  
22 the provisions of paragraph (3) of subsection a. of section 4 of  
23 P.L1985, c.439 (C.40A:14-146.11).

24 b. The training course developed by the commission pursuant  
25 to subsection a. of this section shall be offered at each school  
26 approved by the commission to provide police training courses  
27 pursuant to the provisions of P.L.1961, c.56 (C.52:17B-66 et seq.).  
28 The commission shall ensure that an individual assigned to instruct  
29 the course is proficient and experienced in current school resource  
30 officer practices and concepts.

31 c. The commission shall award a certificate to each individual  
32 who successfully completes the course.

33 d. The Police Training Commission, in consultation with the  
34 Commissioner of Education, shall adopt rules and regulations  
35 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
36 (C.52:14B-1 et seq.), to implement the provisions of this section.<sup>1</sup>  
37 (cf: P.L.2010, c.122, s.15)]<sup>3</sup>

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11

1       <sup>3</sup>[<sup>1</sup>[5] 6.] 5.<sup>3</sup> This act shall take effect on the first day of the  
2       <sup>1</sup>[fourth] seventh<sup>1</sup> month following enactment, but the Police  
3       Training Commission and the Commissioner of Education may take  
4       any anticipatory action prior to the effective date needed for the  
5       timely implementation of this act.