

CHAPTER 51

AN ACT concerning Class Three special law enforcement officers and amending P.L.1985, c.439.

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

1. Section 2 of P.L.1985, c.439 (C.40A:14-146.9) is amended to read as follows:

C.40A:14-146.9 Definitions.

2. As used in this act:

- a. "Commission" means the Police Training Commission established in the Department of Law and Public Safety pursuant to section 5 of P.L.1961, c.56 (C.52:17B-70);

- b. "Emergency" means any sudden, unexpected or unforeseeable event requiring the immediate use or deployment of law enforcement personnel as shall be determined by the chief of police, or in the absence of the chief, other chief law enforcement officer or the mayor or the mayor's designee or, in the case of a county, the county executive or freeholder director or designee, as appropriate, to whom the authority of designating an "emergency" has been prescribed by local ordinance or resolution, as appropriate. Vacations, shortages in police personnel caused by vacancies unfilled by the appointing authority for more than 60 days, or any other condition which could reasonably have been anticipated or foreseen shall not constitute an "emergency" for the purposes of this act; but an "emergency" may continue for the purposes of this act when a vacancy remains unfilled for more than 60 days and when, on application of the appointing authority, the county prosecutor grants an extension for one or more additional 60-day periods upon a showing by the appointing authority of a diligent, good faith effort to fill the vacancy;

- c. "Local unit" means any municipality or county having established a regular police force pursuant to law;

- d. "Population" means the population of the resort municipality shown in the last federal decennial census;

- e. "Public entity" means the State and any county, municipality, district, public authority, public agency and any other political subdivision or public body in the State;

- f. "Resort municipality" means a municipality which, because of its recreational or entertainment characteristics or facilities or its close proximity to such characteristics or facilities, experiences a substantial increase during the seasonal period in the number of persons visiting or temporarily residing there;

- g. "Seasonal period" means any one period of four consecutive months during the calendar year, except with regard to a resort municipality bordering on the Atlantic ocean, in which case, "seasonal period" means one period of six consecutive months during the calendar year;

- h. "Special law enforcement officer" means any person appointed pursuant to this act to temporarily or intermittently perform duties similar to those performed regularly by members of a police force of a local unit, or to provide assistance to a police force during unusual or emergency circumstances, or at individual times or during regular seasonal periods in resort municipalities; and

- i. "County college" means an educational institution established or to be established by one or more counties, offering programs of instruction, extending not more than two years beyond the high school, which may include but need not be limited to specialized or comprehensive curriculums, including college credit transfer courses, terminal courses in the liberal arts and sciences, and technical institute type programs; the term shall include a county vocational school.

2. 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 law enforcement position eligible for participation in the Police and Firemen's Retirement System or in any federal or bi-state law enforcement agency or as a member of the State Police and was separated from that prior service in good standing;

(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, New Jersey State Police Academy Certification, or other proof of basic police training approved by the Police Training Commission;

(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.

3. 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 or a school or county college. 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). A Class Three special law enforcement officer shall not be assigned to an extra-curricular or after-school function at a school or county college unless the assignment has first been made available to full-time members employed by the local unit or school or county college.

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.

4. This act shall take effect on the first day of the seventh month next following the date of enactment, except the Police Training Commission may take any anticipatory action in advance as shall be necessary for the implementation of this act.

Approved March 18, 2019.