

NEW JERSEY STATE FOP

2016-2017 LEGISLATIVE SESSION

LEGISLATIVE PRIORITIES

January 2017

****FOP INITIATIVES IN BOLD***

LEGISLATIVE PRIORITIES

A133 Space (R24)

S77 Bucco (R25)

This bill changes the age restrictions governing the issuance of permits to carry handguns to retired law enforcement officers.

Currently, retired law enforcement officers are entitled to permits to carry a handgun until the age of 75 without having to establish “justifiable need.” This bill increases that age limitation to 80 years of age.

Status: A133 is in the Assembly Law and Public Safety Committee. S77 is in the Senate Law and Public Safety Committee

FOP SUPPORTS

A141 Tucker (D28)

This bill would broaden the powers currently conferred upon full-time members of arson investigation units.

The bill grants such members the same powers and authority possessed by police officers to investigate the crime of arson when the members are anywhere within the territorial limits of the State while engaged in the actual performance of their arson investigation duties. Currently, these members are limited to exercising such police powers within their municipality while engaged in these duties.

As introduced, the bill had used the term “arson investigator” to describe these persons. The committee amended the bill to eliminate the term “arson investigator” and replace it with the more precise reference to “such a member” (of an arson investigation unit).

This bill was pre-filed for introduction in the 2012-2013 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

Status: A141 is in the Assembly Law and Public Safety Committee.

FOP OPPOSES

Reasons FOP opposes:

- 1. The title Arson Investigator is not a valid title for the Police and Fire Retirement System (PFRS). If a member is given the title of Arson Investigator he/she would no longer be allowed in the PFRS system. Instead the member would have to go to the Public Employee Retirement System (PERS). This is a major problem.**
- 2. Criminal investigations should only be investigated by Law Enforcement.**
- 3. Arson investigators should only be used to assist Law Enforcement.**
- 4. This bill gives Arson Investigators authority to carry weapons statewide outside their jurisdiction.**
- 5. Will Arson Investigators then also have statewide arrest powers if given the right to carry weapons statewide?**
- 6. This bill is in effect special legislation to grant Arson Investigators permission to carry weapons statewide.**
- 7. Finally, this bill is not necessary as there is no problem with the current system in addressing arson investigations.**

A147 Tucker (D28)

This bill would require municipalities in this State with a population of more than 60,000 people and a violent crime rate exceeding 10.0 per 1,000 residents to maintain a full-time police department or force comprised of at least four police officers per 1,000 residents.

Under the bill, the violent crime rate would be based on that which is reported in the Uniform Crime Report (UCR) published by the Department of Law and Public Safety. In the UCR, violent crimes include murder, rape, robbery, and aggravated assault.

According to the sponsor, the escalating number of murders being committed in this State's urban communities is becoming a public health crisis. An appropriate response to this crisis is to ensure that urban municipalities with high crime rates have sufficient police officers to maintain the public safety.

Status: A147 is in the Assembly Homeland Security and State Preparedness Committee.

FOP SUPPORTS

A319 Singleton (D7)

S2144 Allen (R7)

Provides six months continuation of health care benefits to survivors of municipal police officer, firefighter, or emergency medical technician who dies within 24 hours of going off duty.

Status: A319 passed in the Assembly and is in the Senate Labor Committee. S2144 is in the Senate State Government Committee.

FOP SUPPORTS

A447 Mazzeo (D2), Andrzejczak (D1) etc.

S2096 Van Drew (D1), Bucco (R25)

This bill would permit retired law enforcement officers who are authorized by the Superintendent of State Police to carry a handgun to possess hollow nose ammunition.

Active duty law enforcement officers are authorized to possess hollow nosed ammunition. This bill would afford retired law enforcement officers who are authorized to carry a handgun the same privilege to possess this type of ammunition.

Status: A447 is in the Assembly Law and Public Safety Committee. S2096 is Senate Law and Public Safety Committee.

FOP Supports

A532 Schepisi (R39)

The bill amends current law to make applicable for all current and future officers and employees of boards of education and local governments the limit of \$15,000 for the payment of supplemental compensation at retirement for accumulated unused sick leave, and the limit on the carrying forward of vacation leave for one year only. Current officers and employees will be permitted to retain any supplemental compensation for unused sick leave, or to carry forward any vacation leave, already accrued as of the bill's effective date.

Current law imposes these limits on officers and employees commencing service with an individual employer on or after May 21, 2010 and for certain high-level officers and employees who were in service on June 8, 2007.

The bill imposes limits on the use of sick leave by a State, local, or board of education employee in the twelve months before retirement. This provision applies to employees who commence employment with an individual employer on or after the bill's effective date. Specifically, the bill prohibits the use of six or more consecutive days of accumulated sick leave, without medical necessity verified in writing by a physician, by an officer or employee in the twelve months prior to retirement in anticipation of that retirement. The employer may require the officer or employee to submit to an examination by a physician selected by the employer to verify the medical necessity. The employer must (1) impose a fine and issue a reprimand against the officer or employee found to be in violation of this prohibition, with the fine to be an amount equivalent to one and one-half times the daily rate of compensation for each day of violation, or (2) for a subsequent violation of the prohibition, deduct a number of sick leave days equivalent to the number found to have been used in violation of this prohibition from the number of unused accumulated sick leave credited on the effective date of retirement upon which supplemental compensation, if any, for the officer or employee at the time of retirement is calculated, or (3) both.

The bill would not be construed to impair the obligation of a collective negotiations agreement or individual contract of employment with relevant provisions in effect on the bill's effective date.

Status: S532 Assembly State and Local Government Committee..
FOP OPPOSES

A574 Handlin/O'Scanlon (R13)/Auth (R39)

This bill establishes the "New Jersey Right to Work Act" and prohibits payroll deductions of union dues from wages or salaries of public employees.

Status: A574 is in the Assembly Labor Committee.
FOP OPPOSES

A606 Lagana D38)

S138 Madden (D4)

Under current law, the children or surviving spouses of certain public safety workers, such as members of police and fire departments, who are killed in the performance of their duties may be eligible for a higher education tuition benefit. To be eligible, the child or spouse must be enrolled in good standing at an undergraduate program in the State. The State will pay full tuition costs to a public institution of higher education and full or partial tuition costs to an independent institution of higher education. The current law limits eligibility to eight years following the death of the worker, in the case of a spouse, and eight years following high school graduation, in the case of a child. This bill eliminates the eligibility time limit on spouses.

During the difficult years that follow the loss of a spouse, a widow or widower interested in pursuing higher education goals through the tuition benefit may struggle with more immediate challenges, such as financial instability or gaps in housing, child care, or health care. As a result, the time limit on the higher education tuition benefit imposes an additional and arbitrary hardship on those individuals whose eligibility for the program has already expired by the time they are able to pursue a higher education.

Status: A606 is in the Assembly Higher Education Committee. S138 reported out of Senate Higher Education Committee, 2nd reading in Senate. Referred to Senate Budget and Appropriations Committee.
FOP SUPPORTS

A796 Andrzejczak/Land (D1)

S1651 VanDrew (D1)

This bill directs the Commissioner of Personnel to retitle the position of State correction officer positions to State correctional police officer. The bill also clarifies their law enforcement powers and their authority to carry a firearm. Although State corrections officers have general police powers, the correction officer title has often led the general public to narrowly view these officers as prison guards rather than law enforcement officers. In certain situations, this misunderstanding has resulted in unnecessary confrontations with members of the general public—most notably those involving visitors to State correctional facilities, encounters outside a hospital where a State prisoner is being treated or interference during the pursuit or apprehension of an escapee—where members of the public ignored an officer's lawful instructions because they were unaware of the officer's police powers.

Status: A796 is in the Assembly Law and Public Safety Committee. S1651 is in the Senate Law and Public Safety Committee.
FOP SUPPORTS

A801 Andrezjczak (D1)

S1813 VanDrew (D1)

This bill would require the Commissioner of Corrections to institute a mandatory annual in-service training program of at least 40 hours for each State corrections officer. Sixteen of these 40 hours must include safety training in institutional safety, gang management and intelligence, riot control, contraband

interdiction, and counter-terrorism issues. The remaining twenty-four hours would be on topics decided by the training department of the individual correctional facilities. The training required by the bill would be in addition to firearms qualification training and use-of force training which corrections officers currently receive. The sponsor notes that the American Correctional Association recommends that corrections officers receive a minimum of 40 hours annual in-service training.

Status: A801 is in the Assembly Law and Public Safety Committee. S1813 is in the Senate Law and Public Safety Committee.

FOP SUPPORTS

A807 Land/Andrzejczak (D1)

S1650 VanDrew (D1)

This bill establishes a compensation program for State corrections officers, county corrections officers, juvenile corrections officers, and juvenile detention officers who suffer bodily injury as the result of a riot or assault by the inmates or detainees under their custody and care. The bill also establishes a compensation program for parole officers who suffer bodily injury as the result of an assault committed by an adult or juvenile parolee under their supervision.

Under the provisions of the bill, an injured officer would be entitled to full wages until he or she begins to receive workmen's compensation payments. Once the workmen's compensation payments start, the injured officer would be entitled to regular supplemental payments from his or her employer. The amount of these payments would be sufficient, when added to the injured officer's workmen's compensation, to equal his or her net wages at the time of the injury.

These supplemental payments are to continue as long as the officer remains a State or county corrections officer, juvenile corrections officer, juvenile detention officer, or parole officer and continues to receive workmen's compensation for the injury.

Finally, the bill specifies that these supplemental payments are not to negate or impair any fringe benefits afforded an injured officer under the terms of a collective bargaining agreement, contract, or statute and that these fringe benefits are to remain in full force and effect during the time that officer is receiving the supplemental payments authorized under the bill.

Status: A807 is in the Assembly Law and Public Safety Committee. S1659 is in the Senate Law and Public Safety Committee.

FOP SUPPORTS

A809 Andrzejczak/Land (D1)

S1581 VanDrew (D1)

This bill would require the Commissioner of Corrections to institute a program to annually provide at least four hours of gang awareness training to each civilian employee in an institution within the jurisdiction of the department. This training would be in addition to any other training that these civilian employees are already required to receive.

It is important that civilian staff who regularly work with inmates, such as teachers and social workers, be informed about gangs so that they are alert to the signs of gang membership. Such training results in these employees confidently and accurately reporting their observations concerning gang membership to their superiors, corrections officers, and gang investigators.

This bill implements recommendation 2 of the Assembly Prison Gang Violence Task Force which issued its final report on December 12, 2006.

Status: A809 is in the Assembly Law and Public Safety Committee. S1581 is in the Senate Law and Public Safety Committee.

FOP SUPPORTS

A812 Andrzejczak/Land (D1)

S2198 VanDrew (D1)

This bill reinstates the sick leave injury program for any State corrections officer or juvenile justice officer in State service who sustains an injury caused by and arising from direct contact with inmates in the performance of the officer's duties.

Under current law, the State's sick leave injury program no longer applies to any career, senior executive or unclassified employee in State service who sustains an injury or illness on or after May 21, 2010, or the expiration of a collective negotiations agreement with a relevant provision in effect on that date, directly caused by and arising from State employment.

This bill reinstates the sick leave injury program with limited application to such officers.

Status: A812 is in the Assembly Law and Public Safety Committee. S2198 is in the Senate State Government Committee.

FOP SUPPORTS

A1104 Brown C. (R2)

This bill provides for a gross income tax credit for A-list performing artists for income derived from certain live performances contracted for and rendered within the Atlantic City Tourism District and additional locations within the State. This tax credit, which will effectively establish a 100% State income tax exemption for top-ranked national performers who commit to perform periodically in Atlantic City, and for their performances that may occur elsewhere in New Jersey, is intended to generate a net revenue benefit that can be accomplished through the growth in additional tourists visiting and staying in Atlantic City to be entertained by major entertainers and sporting events that become Atlantic City regulars. The economic success of Atlantic City as a gambling and top national entertainment hotspot comparable to Las Vegas, requires a major stimulus for drawing regular, recurring top-ranked entertainers and spectator events to the Atlantic City Tourism District and other locations in this State.

Top nationally-ranked live performing artists, as will be identified by way of a national review to be annually compiled by the New Jersey Secretary of State, in categories of entertainment and sports performance occupations including but not limited to musicians, singers, dancers, actors, comics, athletic and sports competitors participating in professional, organized, officiated sporting events to entertain spectators, will be eligible to apply for the tax credit if they commit to and actually perform live on at least four occasions within any taxable year within the Atlantic City Tourism District. Tax credits may then also be claimed for live performances in other New Jersey venues within that taxable year. Income from live performances for which a tax credit may be claimed must be pursuant to live performance contracts entered into before the sixth calendar year beginning after the date of enactment of this bill. This tax credit must be applied for and allowed pursuant to a written application with the Director of the Division of Taxation under an expedited process. The credit may be applied only against the gross income tax liability on income derived from these services performed in the district and other State locations during a taxable year, and the credit is to be calculated as if the income is subject to tax at the highest marginal tax rate as applies to the taxpayer pursuant to the New Jersey gross income tax.

Status: A1104 is in the Assembly Tourism, Gaming and the Arts Committee.

FOP Supports

A1115 Oliver (D34)

S400 Barnes (D18)

S2469 Sweeney (D3)

This bill requires the Attorney General to appoint a special prosecutor to investigate law enforcement officers against whom a criminal complaint has been filed in connection with the performance of the officer's duties and prosecute charges of misconduct and brutality.

A special prosecutor appointed under the provisions of the bill would have all the power and authority of the county prosecutor. The special prosecutor is authorized to investigate the alleged crimes, appear before the county criminal courts and grand juries, prepare and try indictments, and represent the State in appeals of the criminal cases in State courts. The special prosecutor also may appoint temporary assistants, aides, investigators, or other personnel and incur any necessary expenses.

According to the sponsor, this bill is intended to address the perception of bias in police misconduct investigations. Because of recent high-profile decisions by grand juries not to charge police officers in cases of police-involved fatalities, the public does not trust county prosecutors to investigate the local police officers with whom they regularly work and rely upon to prepare cases and serve as witnesses. Under the bill, these cases would be handled by a special prosecutor.

Status: A1115 is in the Appropriations Committee. S400 is in the Senate Law and Public Safety Committee. S2469 passed in the Senate. Is in the Assembly Appropriations Committee.

FOP Opposes

A1244 Bucco (R25)/DeCroce, B. (R26)

A3629 Bucco (R25)

S86 Bucco (R26)/Sweeney (D3)

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

Status: Signed by the Governor on 11/21/16 as P.L. 2016, c. 68.

FOP SUPPORTS

A1245 Bucco (R25)

S1703 Bucco A. (R25)

This bill would amend P.L.1996, c.14 (C.2C:12-11)(disarming law enforcement officers) and supplement Title 2C of the New Jersey Statutes to establish criminal penalties for unlawful control over law enforcement firearms, weapons or equipment, obstruction and interference with the duties of public or private safety agency, and unlawful control over emergency services personnel equipment.

Law enforcement officers and emergency services personnel are routinely called upon to serve and protect their fellow citizens by responding to emergencies and acting to save the lives of others, despite the risk of danger to themselves. This bill is in response to the recent protests in Baltimore, Maryland, during which some of the efforts to provide aid and protection to the community were disrupted due to obstruction and interference with law enforcement, fire fighting, emergency medical services and other emergency services efforts as well as interference with and damage to the equipment used to provide these services.

Status: A1245 is in the Assembly Judiciary Committee. S1703 is in the Senate Law and Public Safety Committee.

FOP SUPPORTS

A1329 Rible (R30)

S240 Singer (R30)

This bill protects the home addresses of current and retired law enforcement officers from being released by governmental entities. Currently, this information is considered a government record and is available to the public via P.L.1963, c.73 (C.47:1A-1 et seq.), commonly known as the open public records act.

The bill excludes law enforcement officers' home addresses from the definition of "government record." The bill also requires custodians of government records to redact the addresses from any records prior to granting access, unless the information is sought for use by a governmental agency in carrying out its functions, or a private person seeking to enforce a child support order. The bill further provides that requests for law enforcement officers' home addresses are to be denied.

Law enforcement officer is defined in the bill as, “any person who is employed as a permanent full-time member of any State, county or municipal law enforcement agency, department, or division” of those governments who is statutorily empowered to act for the detection, investigation, arrest, conviction, detention, or rehabilitation of persons violating the criminal laws of this State and statutorily required to successfully complete a training course approved by, or certified as being substantially equivalent to such an approved course, by the Police Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.).”

Status: A1329 ready for passage in the Assembly. S240 is in the Senate Law and Public Safety Committee.

FOP SUPPORTS

A1336 Rible (R30)

This bill authorizes special agents of the Department of the Treasury to act as officers for the detection, apprehension, arrest and conviction of offenders against the law and permits them to carry a firearm at all times. The bill requires special agents to complete a basic police training course approved by the Police Training Commission in order to be accorded police powers.

Under current law, a special agent of the Department of the Treasury who has passed an examination in an approved police training program may carry a firearm while in the actual performance of official duties and while traveling to or from a place of duty. This bill allows a special agent to carry a firearm at all times subject to regulations set forth by the Director of the Division of Taxation.

The bill also empowers special agents to seize any contraband when enforcing the tax laws in addition to counterfeit stamps, counterfeit impression devices, and cigarettes which they are currently permitted to seize under current law.

Status: A1336 is in the Assembly Law and Public Safety Committee.

A1342 Spencer, Coutinho (D29)/ Diegnan (D18)/Quijano (D20)

S152 Madden (D4)

This bill makes the possession of a new generation of handgun ammunition which poses a special threat to the law enforcement community because it has a capacity to breach or penetrate body armor a crime of the fourth degree.

Under current federal and State law, hollow nose or dum-dum bullets are prohibited, as are bullets which are Teflon-coated or which have specially hardened metal jackets or cores.

Police officers recently encountered a new and highly destructive bullet. The SS190AP ammunition for the Five-seven Tactical handgun is uniquely designed. It is a full metal jacketed bullet, but utilizes two metal inserts. The tip of the bullet has a steel penetrator which is followed by an aluminum core. The weight relationship between the two metals causes the bullet to tumble in soft body tissue, resulting in massive and, in many instances, deadly wounds.

But it is not just the substantial body trauma these bullets can cause that makes them a special threat to the law enforcement community. When fired from the Five-seven handgun, the SS190AP bullet can penetrate 48 layers of Kevlar (the protective material used to make many types of body armor).

These bills would prohibit individuals, other than law enforcement officers and other statutorily exempted parties (such as members of the Armed Forces of the United States and licensed dealers who sell these type of ammunition to the military or law enforcement agencies), from legally possessing ammunition designed and constructed like the SS190AP bullet that can penetrate body armor. Violators would be guilty of a crime of the fourth degree. A crime of the fourth degree is punishable by a fine of not more than \$10,000; imprisonment for a term of not more than 18 months; or both.

Cognizant that future technological and scientific advances might give rise to a new generation of equally dangerous and destructive ammunition, the bill prohibits the possession of any ammunition which the Attorney General, after testing, determines to be a threat to the law enforcement community because its design, composition, construction or formulation makes it capable of breaching or penetrating body armor

by a person other than a law enforcement officers, member of the armed forces or licensed dealers who sell them to the military or law enforcement agencies.

Status: A1342 is in the Assembly Law and Public Safety Committee. S152 is ready for passage in the Senate.

FOP SUPPORTS

A1411 Johnson (D37/Pinkin (D18)

This bill grants campus police officers certain employment protections.

Specifically, the bill provides that campus police officers may not be removed from their employment or position for political reasons or for any cause other than just cause, i.e., incapacity, misconduct, or disobedience of rules and regulations established by the college or university police agency.

Under the bill, a campus police officer may not be suspended, removed, fined or reduced in rank for a violation of the internal rules and regulations established for the conduct of employees of the police agency, except for just cause and then only upon a written complaint setting forth the charge against the officer. The complaint must be filed in the office of the person or body in charge of the police agency where the complaint is made and a copy must be served upon the officer charged, including notifying the officer of a designated hearing by the proper authorities. The hearing must be held at least 10 days, but not more than 30 days after the date the complaint was served.

The bill also establishes that the "45-day rule" applies to campus police officers. Under the rule, all complaints against campus police officers for violations of their police agency's internal rules and regulations must be filed within 45 days of establishing the grounds for the complaint. If the complaint is not filed within this 45 day window, the complaint must be dismissed and the campus police officer cannot be fired, suspended, fined or reduced in rank for that violation. The 45-day rule does not apply if a campus police officer's alleged violation of police agency rules and regulations is directly or indirectly related to a criminal investigation involving that officer.

Under the bill, the 45-day rule also does not apply in cases where the complaint is being filed by a private individual.

The bill further authorizes the campus police officer or the police agency to request a court reporter at a hearing. The party who makes the request is responsible for the cost of the court reporter.

Current law authorizes colleges and universities in this State to appoint police officers. Similar to municipal police officers, campus police officers receive police academy training and are authorized to carry weapons and make arrests. Other law enforcement officers granted these employment protections include local police officers, State Police officers and troopers, county investigators, and paid firefighters. **Status: A1411 passed in the Assembly. In the Senate Law and Public Safety Committee..**

FOP SUPPORTS

A1592 Rumano (R40)

This bill would expand the authority of fire fighting, police, emergency medical, and emergency management department, forces, squads, or other units in providing assistance outside their normal territorial jurisdictions.

Status: A1592 Assembly Homeland Security and State Preparedness Committee.

FOP SUPPORTS

A1655 Schaer (D36)

This bill would include as an exclusion to the property tax levy cap for municipalities, amounts required by law or by agreement that are necessary to provide matching funds required by law, or by agreement, in order for a municipality to receive federal, county, State, independent authority, or nonprofit, funds or grants. Currently, many municipalities are not able to apply for grants and other forms of

financial assistance if matching funds are required, because the strict property tax levy cap does not contain room to allow them to raise matching funds. The purpose of this bill is to allow municipalities to raise these funds from property taxpayers by making them an exclusion from the property tax levy cap, since the benefit to the taxpayers from the extra money made available to the municipality outweighs the additional property tax burden from raising the required match.

Status: A1655 is in the Assembly State and Local Government Committee.

FOP SUPPORTS

A1663Aca Schaer (D36) et al

S1142Sca Turner (D15)

Assembly Bill No. 1663 requires each county and municipal law enforcement department to develop and adopt a cultural diversity training course that includes instruction and exercises designed to promote positive interaction with the racial, ethnic, and religious communities within each department's respective jurisdiction. The training course also is to include instruction and exercises designed to promote positive interaction with the lesbian, gay, bisexual, and transgender individuals residing within each department's respective jurisdiction. Each municipal and county law enforcement officer is required to participate in the course as part of in-service training. The bill requires that the course curriculum include a tutorial on:

- (1) the various cultural communities and the effects of diversity on community relations within each law enforcement department's jurisdiction;
- (2) appropriate methods by which an officer may interact with people of various cultures and religions in the community, with an emphasis on officer safety skills and conflict resolution techniques;
- (3) best practices in law enforcement techniques when analyzing and solving local neighborhood problems, meeting with community groups, and working with citizens on crime prevention programs;
- (4) the impact that police diversity skills have on overall law enforcement effectiveness; and
- (5) the community's perception of various racial, ethnic, and religious groups with specific attention to local stereotypes and cultural assumptions that negatively impact public safety.

In addition, the bill requires the chief law enforcement officer of each county and municipal law enforcement department to develop and adopt a cultural diversity action plan. The plan is to include strategies for outreach programs that address the social and criminal concerns of the community, as well as efforts taken on behalf of the department in forming partnerships with various cultural, religious, and civic organizations, including organizations formed on the basis of preventing discrimination based on gender identity and sexual orientation. The plan is to emphasize positive relationships between the police and various community groups that encourage a willingness to collaborate in identifying community safety issues and establishing innovative strategies designed to create safe and stable neighborhoods.

The bill requires each county and municipal police department to submit the plan, along with the training course curriculum, to the Attorney General within one year of the bill's effective date and at least once every three years thereafter. Under the bill, the Attorney General may periodically assess the plans to determine whether each department is meeting its goals in providing a cultural diversity education course and formulating a cultural diversity action plan.

Status: Signed by the Governor as P.L. 2016, C. 23.

FOP Support

A1677 Brown, C.J. (R8)

S606 Addiego (R8)

This bill would upgrade falsely incriminating another person from a crime of the fourth degree to a crime of the third degree if the person knowingly gives false information with the purpose to implicate another because of race, color, religion, sexual orientation or ethnicity.

The bill would also upgrade the offense of giving a fictitious report to a law enforcement officer from a disorderly persons offense to a crime of the fourth degree. If the fictitious report is given with the purpose to implicate another because of race, color, religion, sexual orientation or ethnicity the offense would be

increased to a crime of the third degree.

A crime of the fourth degree is punishable by a term of imprisonment of up to 18 months or a fine of up to \$10,000, or both. A crime of the third degree is punishable by a term of imprisonment of three to five years or a fine of up to \$15,000, or both.

In addition, the bill provides that any person convicted of either offense would be required to reimburse the municipality for any costs incurred in investigating the false information or fictitious report.

**Status: A1677 Assembly Law and Public Safety Committee. S606 is in the Senate Judiciary Committee.
FOP SUPPORTS**

A1695 Dancer (R12)

S2291 Greenstein (D14), Hofzapfel (R10)

Requires interior lights of motor vehicles to be turned on when stopped by law enforcement under certain circumstances. The fine for failure to do so is \$35. In addition, the Assembly amendments require the Chief Administrator of the New Jersey Motor Vehicle Commission to utilize the Internet and any other available means to promote public awareness that drivers are required to activate the interior light when stopped by a law enforcement officer. The Assembly amendments also delay the bill's effective date by three months in order to give drivers time to learn about the change in the law.

Status: A1695 ready for passage in the Assembly. S2291 is ready for passage in the Senate.

FOP SUPPORTS

A1708 Dancer (R12)

S1686 Bucco A (R)

This bill expands the crime of bias intimidation to include crimes and offenses committed against law enforcement officers.

Under current law, a person commits the crime of bias intimidation if he commits one of the enumerated offenses with purpose to intimidate, or with knowledge that commission of the crime will cause intimidation, based on: (1) race, (2) color, (3) religion, (4) gender, (5) disability, (6) sexual orientation, (7) gender identity or expression, (8) national origin, or (9) ethnicity. The law provides that the crime of bias intimidation is graded one level higher than the underlying offense and that a conviction for bias intimidation will not merge with other convictions.

As detailed in numerous recent media accounts, there has been a national outbreak of violent and deadly attacks against members of the law enforcement community. In January of 2015, the National Fraternal Order of Police (FOP) wrote to Congress and the President of the United States to request that members of the law enforcement community be added as a protected class in the federal hate crime law, due to the targeted nature of the violence. Both FOP letters noted that of the 47 police deaths by gunfire in 2014, 19 percent were due to so-called "ambush attacks." The purposeful targeting of officers has continued into 2015 with multiple fatal attacks.

In response, it is the sponsor's intent that this bill provide the protections demanded at the federal level to members of the law enforcement community in the State of New Jersey by expanding the definition of bias intimidation to include crimes committed with purpose to intimidate law enforcement officers.

Additionally, this bill amends the bias intimidation statute in accordance with the holding in *State v. Pomianek*, 221 N.J. 66, 91 (2015), that paragraph (3) of subsection a. of N.J.S.A.2C:16-1 "fails to give adequate notice of conduct that it "proscribes" and is therefore, unconstitutional. Consequently, this bill deletes that provision of the law.

Status: A1708 is in the Assembly Law and Public Safety Committee. S1686 is in the Senate Law and Public Safety Committee.

FOP SUPPORTS

A1767 Burzichelli (D3)

This bill, if enacted into law, would:

1. **Raise the years of service for an Ordinary Disability from the current 4 years to 10 years.** Why this is bad. Because many younger officers are developing illnesses and injuries related to job performance, yet not directly attributable to a "Traumatic" event. Because of this, many families of these officers suffer financially and would be further disadvantaged by increasing the years of service. In addition, many "Traumatic" events are being characterized by the Division of Pensions as "Ordinary Disability claims and the officers are forced to fight for the legitimacy of their claim in court.
2. **Reduce the years for applying for Accidental Disability from the current 5 years to 2 years.** Why this is bad. Because while many claims of injury are medically related, psychologically disabling injuries may not manifest themselves for years. This is particularly true in Post-Traumatic Stress Disability. Not only has it been shown that its effects cannot be seen for years, but that the effects of continued exposure to traumatic stress can be cumulative, blurring the line of a triggering event.
3. **Require all Accidental Disability retirement applications to also apply for both Workers Compensation Benefits and Social Security Disability Benefits.** Why this is bad. Nothing, nothing will make whole an officer who has been permanently disabled in the performance of his or her duty. That officer will never reach his or her potential and will financially suffer as a result of their employment with the state. Any other benefit that the officer can derive is outside the pension system and should not be a factor in the pension system calculations for payment.
4. **Eliminate the current cap of 5 years from the date of retirement to require a PFRS disability retiree to submit to a medical exam and would allow the PFRS Board of Trustees to compel medical exams upon all PFRS disability retirees until those PFRS disability retiree's reach the Age of 55.** Why this is bad. Police Officers, Corrections Officers and Firefighters work in one of the most hostile and physically demanding occupations known. They are expected to maintain a high level of physical fitness and capability. Upon receiving a disabling injury, it is unlikely that they could maintain that high level of fitness, even if the physical injury would heal. The law does not suggest, nor should it, that a waiver for academy training as part of reintegration into the workforce. A comprehensive and thorough physical training program is an integral element of police academy training. In addition, local government would bear the additional cost associated with reintegrating those officers and firefighters into departments that may have not have additional salary budgeted for the returning employee.
5. **Reinstitute an Earnings Cap on the amount that a PFRS disability retiree can earn in an occupation and allows the PFRS to reduce the retirement allowance of PFRS disability retirees or excess earnings over the Earnings Cap.** Why this is bad. An earnings cap limits a person's ability to maintain even a modest life after separation from service the cap does not limit them to what they could have earned over the course of their career. Rather it caps them at what they were earning at the time of separation. For many young officers, that amount can be near poverty levels.
6. **Require all PFRS disability retirees to produce their tax forms (Federal & State), Form W-2's and any other proof of employment (unless waived by the PFRS Board of Trustees) for those PFRS disability retirees under the Age of 55.** Why this is bad. The requirement to submit tax forms is an unnecessary invasion of privacy into the personal lives of the entire family of the officer. Many such retirees the joint tax returns and the information found in those returns are confidential. The procedure is rife for abuse and would likely lead to further aggravation of stress type injuries.
7. **Establish a Fraud Unit within the N.J. Attorney General's Office to investigate PFRS disability retirement claims and subject the PFRS disability retiree to potential criminal & civil investigations.** While not necessarily a bad idea, the concept of legislating a specific insurance fraud unit is faulty because it does not include specific standards. At best, the concept merits further review and possibly executive branch mandate.
8. **Establish a Toll-Free number for the public to report the actions and activities of PFRS disability retirees to the Fraud Unit.** Again, not necessarily a bad idea, but one in which a general hotline for insurance fraud would suffice.

Establish a new 26 member committee of political & public union appointments to meet and propose new eligibility standards for PFRS Accidental Disability Retirement for the N.J. State Legislature to vote into law. The eligibility standards have been well vetted by both the legislature and the court over the past decades. The only benefit to be derived from continued discussion on the topic would be to those who enjoy a special interest in changing the rules, arguing tem in court, and further politicizing a tragic and life altering event that would forever affect a dedicated public servant.

Status: A1767 is in the Assembly State and Local Government Committee..

FOP OPPOSES

A1858 Winberly (D35)

This bill, to be known as the "State Law Enforcement Officers' Bill of Rights," establishes specific rights, privileges and protections for State law enforcement officers, including State correction officers who are subject to charges which, after investigation, might lead to disciplinary hearings and actions.

The bill sets time frames for the commencement of investigations of complaints. If the complaint is initiated by a private citizen or inmate, the investigation must begin within 15 days of the date the complaint is received. If the complaint is brought by the department, commission or agency employing the officer, a disciplinary hearing must be scheduled no less than 10 days, or more than 30 days, from the date the complaint was served on the officer. Violations of departmental, commission or agency rules or regulations must be filed no more than 45 days after the day on which the person filing the charge reasonably becomes aware of the violation. A complaint must be dismissed if it is not filed within these time frames.

Among the procedural rights and protections State law enforcement officers are afforded under this bill are: (1) notice of the nature and scope of the investigation or charges; (2) 24-hour advance notice before an officer subject to investigation may be questioned; (3) right to counsel, or an employee representative, during questioning; (4) records of all questioning periods; and (5) assurance that no officer is required to submit to a lie detector test as part of any investigation.

Charges must be filed within 30 days of the conclusion of any investigation. A failure to comply with this requirement will result in the dismissal of all charges.

No disciplinary action may be taken against an officer until that officer has been afforded a hearing. Notwithstanding that requirement, an officer who is charged with a crime, and who is found to be unfit for duty or is a danger to any person if permitted to remain on the job, may be suspended without a hearing. An officer may also be suspended without a hearing if he is formally charged with a crime or if immediate suspension is needed to maintain the safety, health or order of the department, commission or agency employing the officer. An officer who is formally charged with a crime is to be suspended without pay. If, however, he is found not guilty, the charges are dismissed or the prosecution is terminated, that officer is to receive all back pay within 30 days of that disposition.

If the disciplinary hearing officer finds or determines that a charged officer is not guilty: (1) the matter is deemed concluded and all charges are dismissed; (2) no disciplinary action may be taken against the officer; (3) no record of, or reference to, the charge for which the officer was found not guilty shall be made part of the officer's personnel file; (4) the officer is to be reinstated to his position; and (5) the officer is entitled to any pay or benefits lost or deferred during the disposition of the charge. The officer is also entitled to any longevity pay, seniority or any other emolument or benefit to which he was entitled under law or collective agreement. All lost or deferred pay is to be paid to the officer within 30 days.

Any officer who is aggrieved by a determination or finding of a disciplinary hearing officer has the right to appeal to the Commissioner of Personnel or the Merit System Board, as is appropriate.

The provisions of this bill do not apply to State Police officers and troopers.

Status: A1858 is in the Assembly Law and Public Safety Committee.

FOP POSITION: SUPPORT

A1887 Wimberly (D39)/Johnson (D37)

S655 Turner (D15)

This bill requires each State, county, and municipal law enforcement agency in New Jersey to establish a minority recruitment and selection program in accordance with guidelines issued by the Attorney General. The purpose of these programs is to ensure that law enforcement agencies in this State reflect the diversity of the population of the community the agency protects.

Under the bill, each minority recruitment and selection program is required to set specific goals for recruiting and hiring minorities and females, establishing time frames for meeting these goals, and describing methods of evaluating whether these goals are met. Each program also is required to set forth corrective action to be taken if the agency fails to meet the goals of the program. The bill requires each law enforcement agency to post the recruitment and selection program on the agency's official Internet website.

The county prosecutors are responsible for monitoring the results of the recruitment and selection programs established by county and municipal law enforcement agencies. The Attorney General is responsible for monitoring the results of the programs established by the State Police and other State law enforcement agencies. The bill also establishes reporting requirements concerning the overall diversity of the law enforcement agencies throughout the State. The bill requires each State, county, and municipal law enforcement agency in this State to annually report on: (1) the age, gender, race, and ethnicity of the law enforcement officers currently appointed to the law enforcement agency; (2) the age, gender, race, and ethnicity of applicants for a law enforcement officer position in the preceding calendar year; (3) the age, gender, race, and ethnicity of applicants appointed to the agency in the preceding calendar year; (4) the reasons for denying applicants an appointment to the law enforcement agency; and (5) the age, gender, race, and ethnicity of each law enforcement officer promoted within the agency in the preceding calendar year, including the position to which the officer was promoted.

The county prosecutor is required by the bill to forward this information to the Attorney General. The Attorney General is required to collect, gather, assemble, and collate the information forwarded by the county prosecutors and the information concerning State law enforcement agencies, including the Division of State Police, into an annual report to be reported to the Governor, President of the Senate, and Speaker of the General Assembly. The bill also requires this information to be posted on the official Internet website of the Department of Law and Public Safety. Each State, county, and municipal law enforcement agency also is required to publish this information in its annual report.

Status: A1887 is in the Assembly Appropriations Committee. S655 is in the Senate Budget Committee. FOP Support

A2010 Green (D22)

This bill creates the "Sheriff's Professional Standards Act," and sets forth a code of ethics for all county sheriffs and their employees. The bill, which was introduced by the sponsor at the request of the Sheriff's Association of New Jersey, is intended to professionalize the office of the county sheriff and the employees of the sheriff's office by setting uniform standards for conduct and training of sheriff's personnel. In addition to setting forth the code of ethics, the bill imposes two additional requirements on persons seeking election to the position of county sheriff. Such a person, in addition to being a citizen of the United States and residing in the county for the three years next preceding the election, must also have a minimum of five years' enforcement experience with a federal, State, county, local, or military law enforcement agency, including a prosecutor's office, and have successfully completed, or make a commitment to complete, the basic police training curriculum established by P.L. 1961, c. 56. This requirement does not apply to a person appointed or elected to the office of sheriff prior to the effective date of the bill. The bill also permits an increase in the number of sheriff's investigators permitted to be hired by the sheriff to 25% of the total number of sheriff's officers employed by the sheriff (from the current 15% requirement. In making the additional appointments permitted by the bill, the sheriff must

make a good faith effort to appoint as sheriff's investigators persons who reflect the ethnic diversity of the county. Finally, the bill revises training requirements for both investigators and officers in the sheriff's office to insure that all such employees are similarly trained with respect to both basic police training and physical and mental fitness. These revised requirements will ensure the professionalization of the members of the sheriffs' offices in the State.

Status: A2010 is in the Assembly Law and Public Safety Committee.

FOP OPPOSES

A2048 Gusciora (D15)

S1965 Turner (D15)

This bill establishes the "Police Officer, Firefighter and Public School Teacher Home-buyer Assistance Act." The purpose of the program is to offer down-payment assistance to encourage qualified police officers, firefighters and public school teachers to purchase residential property in specially designated neighborhoods of eligible municipalities in which they are employed. Municipalities that are coextensive with an "Abbott" school district would be eligible to participate in the program. The New Jersey Housing and Mortgage Finance Agency would administer the program. Down-payment assistance would be in the form of zero percent interest rate second mortgage loans of \$10,000. As a condition to the receipt of program assistance an applicant would be required to make a home purchased with program assistance his or her primary residence for at least five years. Down-payment loans would be forgiven at a rate of 20% a year for five years. The unforgiven balance would become due and payable if an employee sells the property or ceases to occupy it as a primary residence.

Status: A2048 passed in the Assembly. In the Senate Community and Urban Affairs Committee. S1965 is in the Senate Community and Urban Affairs Committee.

FOP SUPPORTS

A2126 O'Scanlon (R13)

S1105 Bucco (25)

This bill prohibits law enforcement agencies from using the volume of an officer's arrests or citations as a factor when evaluating that officer's overall performance or when making personnel determinations such as promotions, demotions and other benefits of employment. The bill provides that a law enforcement agency may collect, analyze and apply information concerning the number of arrests and citations for the purpose of forwarding that information to the Superintendent of State Police for inclusion in the Uniform Crime Report.

Under current law, State and local law enforcement agencies are prohibited from establishing policies requiring officers to meet quotas for arrests and citations in enforcing the State's motor vehicle code. However, these agencies may consider arrest and citation data as part of the officer's overall performance evaluation. This bill prohibits this practice.

Status: A2126 Assembly Law and Public Safety Committee. S1105 ready for passage in the Senate.

FOP SUPPORTS

A2298 Vanieri Huttel (D37)

This bill requires hospital, medical and health service corporations, commercial insurers, health maintenance organizations, health benefits plans issued pursuant to the New Jersey Individual Health Coverage and Small Employer Health Benefits Programs, the State Health Benefits Program, and the School Employees' Health Benefits Program, to provide coverage, without utilization management review, for behavioral health care services when the treatment is prescribed by a physician licensed to practice

medicine and surgery, a licensed psychologist, a licensed clinical social worker, a certified advanced practice nurse, or a licensed physician assistant, acting within their lawful scope of practice.

Status: A2298 is in the Assembly Financial Institutions and Insurance Committee.

FOP SUPPORTS

A2347 Benson (D14)

A3422 Benson (D14)

S596 Cunningham (D37)/Greenstein (D14)

This bill establishes a compensation program for State corrections officers, juvenile corrections officers, and juvenile detention officers who suffer bodily injury as the result of a riot or assault by the inmates or detainees under their custody and care. The bill also establishes a compensation program for parole officers who suffer bodily injury as the result of an assault committed by an adult or juvenile parolee under their supervision.

Under the provisions of the bill, an injured officer would be entitled to his or her salary until their workmen's compensation payments begin. Once their workmen's compensation payments begin, the injured officers would be entitled to regular supplemental payments from their employer. The amount of these payments would be sufficient, when added to the injured officer's workmen's compensation, to equal his or her net wages at the time of the injury.

These supplemental payments are to continue as long as the officer remains a State corrections officer, juvenile corrections officer, juvenile detention officer, or parole officer and continues to receive workmen's compensation for the injury.

Finally, the bill specifies that these supplemental payments are not to negate or impair any fringe benefits afforded an injured officer under the terms of a collective bargaining agreement, contract, or statute and that these fringe benefits are to remain in full force and effect during the time that officer is receiving the supplemental payments authorized under the bill.

Status: A2347 is in the Assembly Law and Public Safety Committee. A3422 is in the Assembly Appropriations Committee. S596 passed in the Senate. Is in the Assembly Appropriations Committee.

FOP SUPPORTS

A2541 DeAngelo (D14)

This bill provides exclusive jurisdiction to the New Jersey Public Employment Relations Commission of all claims against any labor organization, or its members or representatives, for any harm, damages, losses, or injuries from representation or lack of representation provided to a member or bargaining unit member of a labor organization from the labor organization's acts or omissions in collective bargaining, grievance processing, arbitration, contract administration, or its pursuit of, or failure to pursue, any judicial or administrative action. The bill states that no court or administrative agency, other than the commission, shall have jurisdiction over any such claim, except for appeals made to courts, of commission determinations, decisions, rulings or orders.

Status: A2541 is in the Assembly Labor Committee.

FOP OPPOSES

A2602 Gusciora (D15)

S1020 Weinberg (D37)

This bill requires county and municipal law enforcement agencies to adopt a guideline mandating that two independent persons investigate an incident where a person has died as a direct result of an act or omission by a police officer while in the actual performance of the officer's official duties. An "independent person" is defined as an individual qualified to investigate a fatal incident, and who is employed by the county prosecutor of a county other than where the fatal incident occurred.

The bill also requires the Superintendent of the State Police to ensure two independent persons investigate an incident in which an act or omission by a member of the New Jersey State Police, while in

the actual performance of the member's duties, directly results in the death of an individual. An independent person is someone who is not employed by the New Jersey State Police.

In the view of the sponsor, the bill enhances accountability and transparency of a fatal incident investigation involving an act or omission by a police officer, and reduces the likelihood that a conflict of interest will arise during an investigation.

Status: A2602 proposed for introduction. S1020 proposed for introduction.

FOP Opposes

A2674Aca Rible (D30) etc.

As amended and reported by the committee, Assembly Bill No. 2674 establishes an emergency "Blue Alert System" for the rapid dissemination of information in order to facilitate the apprehension of persons suspected of killing or seriously injuring law enforcement officers and to aid in the location of missing law enforcement officers. Under the provisions of the amended bill, the program is to be a voluntary, cooperative effort between State and local law enforcement agencies and the media, which is to include, but not be limited to, print, radio, and television media outlets. The amended bill requires the Attorney General to notify the media serving the State of New Jersey of the establishment of the "Blue Alert System," and to invite their voluntary participation.

The provisions of the amended bill further require that a Blue Alert may be activated if all of the following criteria are met:

(1) A law enforcement officer has been seriously injured or killed, and a suspect has not been apprehended, or a law enforcement officer is missing while on duty under circumstances warranting concern for the law enforcement officer's safety;

(2) There is sufficient descriptive information about the suspect or the circumstances surrounding a law enforcement officer's serious injury, death, or disappearance to indicate that activation of the alert may help locate a suspect or missing law enforcement officer; and

(3) The lead law enforcement agency that is investigating the death, serious injury, or disappearance of the officer requests that a Blue Alert be initiated.

The amended bill further provides that participating media outlets may agree to inform the public of a missing officer or suspect within their service region. The alerts are to include a description of the missing officer or suspect and such other information as the lead law enforcement agency deems appropriate. The alerts are to provide information concerning how those members of the public who have information relating to the missing officer or suspect may contact the lead law enforcement agency.

Status: Passed in the Assembly and in the Senate Law and Public Safety Committee.

FOP Support

A2690 Johnson (D37)

S1944 Cardinale (R39)

Assembly Bill No. 2690 (1R) expands the list of retired law enforcement officers eligible to receive a handgun carry permit to include: State park police officers; special agents of the Division of Taxation; Human Services police officers; New Jersey Transit police officers; campus police officers employed by institutions of higher education; State conservation officers; Palisades Interstate Park police officers; Burlington County Bridge police officers; housing authority police officers; juvenile corrections officers; parole officers; and railway policemen.

Status: A2690 passed in the Assembly. In the Senate Law and Public Safety Committee. Committee.

S1944 is in the Senate Law and Public Safety Committee.

FOP SUPPORTS

A2708 Johnson (D37)

This bill would provide that a representative of a labor union could not be compelled to disclose any

information that the representative obtained in the course of his professional duties or while acting in his representative capacity. The provision would apply in any civil or criminal proceeding, or in any administrative or arbitration proceeding.

Under the bill, exceptions would be made under the following circumstances:

- (1) To the extent that disclosure appears necessary to prevent the commission of a crime;
- (2) In any civil or criminal action against the representative in his professional capacity or against the labor union;
- (3) When required by an order of the Superior Court or an order of an administrative law judge; or
- (4) When the member of the labor union consents to the disclosure. The bill provides that if the member is deceased, the personal representative of the member's estate may consent to the disclosure. If the member has been declared incompetent by a court of competent jurisdiction, his legal representative may consent to the disclosure.

This bill is modeled on 735 ILCS 5/8-803.5, an Illinois statute enacted in 2005.

Status: A2708 proposed for introduction.

FOP SUPPORT

A2845 McKeon (D27)

This bill would permit a municipality to adopt an ordinance prohibiting an applicant from obtaining employment with the municipal police department, paid fire department, or part-paid fire department unless the applicant agrees to remain a resident of the municipality for the first five years of his employment. In any municipality with such an ordinance, the applicant would have six months from the date of employment to begin residing in the municipality.

The committee amended the bill to allow an exception to this residency requirement if any member of the fire department or police department suffers injury, or a threat of injury, to his person, family, or property, committed by another who acts with purpose to: (1) intimidate the member because of his status as a member; (2) manipulate an investigation; or (3) otherwise influence the member to violate his official duty.

Status: A2845 in the Assembly State and Local Government Committee.

FOP Opposes

A2850 Lampitt (D6)

Limits us of and supplemental compensation for certain accumulated leave; permits use of certain unused sick leave to offset post-retirement health care cost; limits employment for certain public employees.

Status: A2850 is in the Assembly Law and Public Safety Committee.

FOP OPPOSES

A2862 Phoebus (R24)

This bill, to be known and cited as the "Santiago/Ramos/Liu Police Protection Act," requires any law enforcement agency in this State purchasing and using a new motor vehicle to have tinted windows which permit only the minimum light transmittance as may be required pursuant to federal law, rule, or regulation. The bill applies only to vehicles clearly and conspicuously marked as those used for law enforcement purposes. The window tinting requirement would apply to law enforcement vehicles purchased on or after the first day of the fourth month next following the date of the bill's enactment.

The title of the bill honors Jersey City police officer Melvin Santiago and New York City police officers Rafael Ramos and Wenjian Liu, all of whom were murdered in 2014.

Status: A2862 is in the Assembly Law and Public Safety Committee.

FOP Initiative

A3008 Dancer (R12)

This bill, to be known and cited as the “Santiago/Ramos/Liu Police Protection Act,” requires any law enforcement agency in this State purchasing and using a new motor vehicle to have tinted windows which permit only the minimum light transmittance as may be required pursuant to federal law, rule, or regulation. The bill applies only to vehicles clearly and conspicuously marked as those used for law enforcement purposes. The window tinting requirement would apply to law enforcement vehicles purchased on or after the first day of the fourth month next following the date of the bill’s enactment.

The title of the bill honors Jersey City police officer Melvin Santiago and New York City police officers Rafael Ramos and Wenjian Liu, all of whom were murdered in 2014.

Status: A3008 is in the Assembly Law and Public Safety Committee.

FOP Initiative

A3087 Quijano (D20)

S2407 Greenstein (D14)

This bill creates a rebuttable presumption of workers’ compensation coverage for public safety workers and other employees in certain circumstances.

The bill affirms that if, in the course of employment, a public safety worker is exposed to a serious communicable disease or a biological warfare or epidemic-related pathogen or biological toxin, all care or treatment of the worker, including services needed to ascertain whether the worker contracted the disease, shall be compensable under workers' compensation, even if the worker is found not to have contracted the disease. If the worker is found to have contracted a disease, there shall be a rebuttable presumption that any injury, disability, chronic or corollary illness or death caused by the disease is compensable under workers' compensation.

The bill affirms workers’ compensation coverage for any injury, illness or death of any employee, including an employee who is not a public safety worker, arising from the administration of a vaccine related to threatened or potential bioterrorism or epidemic as part of an inoculation program in connection with the employee’s employment or in connection with any governmental program or recommendation for the inoculation of workers.

The bill creates a rebuttable presumption that any condition or impairment of health of a public safety worker which may be caused by exposure to cancer-causing radiation or radioactive substances is a compensable occupational disease under workers' compensation if the worker was exposed to a carcinogen, or the cancer-causing radiation or radioactive substance, in the course of employment. Employers are required to maintain records of instances of the workers deployed where the presence of known carcinogens was indicated by documents provided to local fire or police departments under the “Worker and Community Right to Know Act,” P.L.1983, c.315 (C.34:5A-1 et seq.) and where events occurred which could result in exposure to those carcinogens.

In the case of any firefighter with seven or more years of service, the bill creates a rebuttable presumption that, if the firefighter suffers an injury, illness or death which may be caused by cancer, the cancer is a compensable occupational disease.

The bill provides that, with respect to all of the rebuttable presumptions of coverage, employers may require workers to undergo, at employer expense, reasonable testing, evaluation and monitoring of worker health conditions relevant to determining whether exposures or other presumed causes are actually linked to the deaths, illnesses or disabilities, and further provides that the presumptions of compensability are not adversely affected by failures of employers to require testing, evaluation or monitoring.

The public safety workers covered by the bill include paid or volunteer emergency, correctional, fire, police and medical personnel.

Status: A3087 is in the Assembly Labor Committee. S2407 is in the Senate Labor Committee.

FOP SUPPORTS

A3173 Land/Andrzejczak (D1)

S1528 VanDrew (D1)

This bill provides a first responder, who has a family member, who was also a first responder for the same entity, and who was killed in the line of duty, with up to 52 weeks of paid family leave to be taken within 24 months of the incident.

First responders are defined under the bill as a law enforcement officer, paid firefighter, paid member of a duly incorporated first aid, emergency, ambulance, or rescue squad association, or any other individual who, in the course of employment, is dispatched to the scene of a motor vehicle accident or other emergency situation for the purpose of providing medical care or other assistance.

Family leave insurance benefits will provide compensation equal to 66 2/3% of the individual's average weekly wage, up to a maximum of \$615 (for calendar year 2016) per week. The program will be administered by the Department of Labor and Workforce Development.

It is the intent of this bill to provide support for those first responders to begin their recovery process from the loss of their loved one.

Status: A3137 is in the Assembly Labor Committee. S1528 is in the Senate Labor Committee.
FOP Support

A3200 McGuckin (R10)/Wolfe (R10)

This bill authorizes veterans of the armed forces who are more than 35 years old to be appointed as police officers if a maximum of two years of time they served in the armed forces deducted from their actual age equals 35 years or less, provided they served at least 10 days in a war zone.

Under current law, a person is required to be at least 21 but not more than 35 years of age to be appointed as a member or officer of a municipal police department or force. An applicant who is older than 35 is deemed to meet this age requirement if the applicant's actual age, less the period of military service during a time of war, meets the maximum age requirement of 35.

This bill establishes that a maximum of two years may be deducted from the applicant's age, provided the person meets a minimum threshold of having served at least 10 days during a time of war.

Status: A3200 is in the Assembly Military and Veterans' Affairs Committee.
FOP Support

A3204 Wolfe (R10) **S1774 Holzapfel (R10)**

A recently approved law eliminated the termination of Police and Firemen's Retirement System (PFRS) accidental death benefits received by a surviving spouse or domestic partner upon remarriage or the establishment of a new domestic partnership. This bill would ensure that all surviving PFRS spouses or partners are treated the same by providing that the eligibility of any survivors pension will not terminate under these circumstances. The bill also restores the survivors pension to those who lost this benefit because of remarriage prior to the enactment of this bill.

Under the PFRS, when a member of the system dies in active service, the widow or widower is eligible to receive a survivorship benefit consisting of a pension equal to 50% of the compensation upon which contributions by the member were based in the last year of creditable service, to continue during her or his widowhood. If there is no survivor or in the case of death or remarriage, there is also paid 20% of final compensation to one surviving child or 35% of final compensation to two surviving children or 50% such compensation in equal shares.

In the event of death after retirement, the surviving spouse is eligible to receive a survivorship pension consisting of a pension equal to 50% of final compensation, to continue during her or his widowhood, and there will also be paid 15% of such compensation to one surviving child or an additional 25% of such compensation to two or more children. If there is no surviving widow or widower or in case the widow or widower dies or remarries, the payments equal 20% of final compensation payable to one surviving child, 35% of such compensation to two surviving children in equal shares and if there are three or more children, 50% of such compensation in equal shares.

Currently, the surviving spouse or partner ceases to be eligible for these survivors pensions upon

remarriage or the establishment of another domestic partnership. This bill would ensure that these survivors benefits do not terminate.

Status: A3204 is in the Assembly State and Local Government Committee. S1774 is in the Senate State Government, Wagering, Tourism & Historic Preservation Committee.

A3206 Wolfe (R10, Singleton (D7) etc.

This bill changes the definitions of “widow,” “widower” and “spouse” in the Police and Firemen’s Retirement System (PFRS) so that those definitions include the domestic partners of all members. Domestic partners of PFRS members, then, will be eligible for any PFRS benefits designated for a widow, widower or spouse.

Under current law, domestic partners are included in those definitions with regard to State employees. For employees of local public entities, however, domestic partners are included in the definitions, and are eligible for benefits, only if the local employer opts to adopt a resolution providing that the terms “widow,” “widower” and “spouse” will include domestic partners. The bill deletes the requirement that a resolution be adopted.

FISCAL IMPACT:

Under this bill, benefits that are payable to a surviving spouse would be provided to a domestic partner of a member of the PFRS when the member was employed by a local government employer that has not already elected to include domestic partners in the definitions.

This bill will result in additional expenditures for local government employers, but the OLS cannot determine the fiscal impact without information from the Division of Pensions and Benefits in the Department of the Treasury, which has not been provided.

Status: Passed in the Assembly, in the Senate State Government, Wagering, Tourism & Historic Preservation Committee.

FOP Supports

A3234 Dancer (R12)

This bill gives full-time law enforcement officers the option to also apply for a handgun permit or firearms purchaser identification card through the town where they are employed in addition to the town where they reside.

Under current law, a person who applies for a permit to purchase a handgun or a firearms purchaser identification card is required to apply through the chief of police of an organized full-time police department of the municipality where the person resides or the Superintendent of State Police if the municipality does not have a police department.

Under the bill, the law enforcement officer is also authorized to apply to the chief of police of the town where he or she is employed. If the permit or identification card is issued by the town where the officer is employed, the bill requires the chief of police in the employing town to notify the chief of police where the law enforcement officer resides that the permit or identification card was granted.

In many instances, law enforcement officers have little or no contact with the police department where they live. Conversely, the chief of police of the department where a law enforcement officer is employed presumably would know whether the officer was qualified to own a firearm. Authorizing the chief of police where the officer is employed to conduct the background check would streamline the application process for these law enforcement officers.

Status: A3234 is in the Assembly Law and Public Safety Committee.

FOP SUPPORTS

A3429 Rible (D30)

This bill clarifies the police powers of railroad police officers and imposes training requirements.

Under current law, railroad police officers, who are employed by railroad companies, are permitted to

exercise police powers in criminal cases. The provisions of this bill clarify that railroad police officers also are permitted to exercise police powers for offenses, such as motor vehicle offenses.

In addition, current law provides that a railroad police officer is required to complete certain training in order to carry a firearm; however there is no requirement for all railroad police officers to complete a police training course. This bill requires all railroad police officers, within one year of the date of commission, to complete a police training course at a school approved by the Police Training Commission (PTC). Under the bill, the PTC may exempt a person from this requirement if the person demonstrates that he or she has completed a police training course conducted by any federal, State, or other public or private agency which is substantially equivalent to the course requirements of a school approved by the PTC.

Finally, the bill clarifies that the shield that a railway police officer is required to wear when on duty may contain the words "special agent."

Status: A3429 is in the Assembly Law and Public Safety Committee.

FOP SUPPORTS

A3457 Dancer (R12)/DeAngelo (D14)

S2074 Bucco (R25)

This bill provides that threatening to kill law enforcement officers is a crime of the second degree. Under the bill, a person is guilty of a crime of the second degree if the person threatens to kill a law enforcement officer or a group of law enforcement officers with the purpose to put these individuals in fear of imminent death. A crime of the second degree is punishable by a term of five to 10 years imprisonment, a maximum fine of \$150,000, or both.

Under current law, a person who threatens to kill another individual with the purpose to put the individual in fear of imminent death is guilty of a crime of the third degree. A third degree crime is punishable by three to five years imprisonment, a maximum fine of \$15,000, or both.

In the view of the sponsor, it is necessary to upgrade penalties for threatening to kill law enforcement officers due to recent threats to kill law enforcement officers in Jersey City.

Status: A3457 is in the Assembly Law and Public Safety Committee. S2074 is in the Senate Law & Public Safety Committee.

FOP SUPPORTS

A3469 Jimenez (D32)/Sumter (D35)

This bill establishes a compensation program for State probation officers who suffer bodily injury as the result of an assault by a probationer under their care or supervision.

Under the provisions of the bill, an injured probation officer would be entitled to his or her salary until their workmen's compensation payments begin. Once their workmen's compensation payments begin, the injured officers would be entitled to regular supplemental payments from their employer. The amount of these payments would be sufficient, when added to the injured officer's workmen's compensation, to equal his or her net wages at the time of the injury.

These supplemental payments are to continue as long as the officer remains a State probation officer and continues to receive workers' compensation for the injury.

Finally, the bill specifies that these supplemental payments are not to negate or impair any fringe benefits afforded an injured probation officer under the terms of a collective bargaining agreement, contract, or statute and that these fringe benefits are to remain in full force and effect during the time that officer is receiving the supplemental payments authorized under the bill.

Status: A3469 is in the Assembly Law and Public Safety Committee.

FOP SUPPORTS

A3513 Dancer (R12)

S2069 Bucco (R25)

Permits certain off-duty law enforcement officers to carry firearms on State property.

Status: A3513 in the Assembly Law & Public Safety Committee. S2069 is in the Senate Law and Public Safety Committee.

FOP SUPPORTS

A3515 Dancer (R12)

S2071 Bucco (R25)

This bill clarifies that a retired law enforcement officer in possession of a valid identification card permitting the retired officer to carry a handgun may purchase handgun ammunition.

Current law states that a person may purchase handgun ammunition only after first displaying a valid firearms purchaser identification card, a valid copy of a permit to purchase a handgun, or a valid permit to carry a handgun. While the retired officer identification card is issued to qualified retired officers for the purpose of permitting them to carry handguns, the bill specifies that the identification card, as described in the statute, may serve as a valid form of identification required prior to the sale or transfer of handgun ammunition.

Status: A3515 in the Assembly Law & Public Safety Committee. S2071 is in the Senate Law and Public Safety Committee.

FOP SUPPORTS

A3529 Bucco (R25)/Rible (R30)

S1762 Bucco, A. (R25)

This bill clarifies that retired campus police officers and full-time university officers are eligible for a permit to carry a handgun.

Under current law, certain retired law enforcement officers may annually apply for a permit to carry a handgun until those officers reach the age of 75, at which time they are no longer eligible. The permit allows a retired law enforcement officer to carry a handgun at all times throughout the State. The law specifies that “a full-time member of a State law enforcement agency” is eligible for a permit to carry, but it is not clear whether campus police officers constitute members of a State law enforcement agency. This bill addresses this ambiguity by specifically including campus police officers in the list of retired law enforcement officers eligible for a handgun carry permit.

Status: A3529 is in the Assembly Law and Public Safety Committee. A1762 is in the Senate Law and Public Safety Committee.

FOP SUPPORTS

A3530 Bucco (R25)/Rible (R30)

S1797 Bucco, A. (R25)

This bill permits certain State, county and municipal law enforcement officers and State and county corrections officers to lawfully possess and use stun guns while in the actual performance of their official duties.

Under the provisions of the bill, the chief law enforcement officer of a State, county or municipal law enforcement agency may permit a law enforcement officer of that agency who completes the required training to possess and use a stun gun approved by the Attorney General. Prior to granting approval to any law enforcement officer, the chief law enforcement officer is required to certify to the Attorney General that the officer has completed the training requirement and will use an approved stun gun. State, county and municipal law enforcement officers who successfully complete a stun gun training course that has been developed and approved by the Police Training Commission will be certified to possess and use approved stun guns while they are performing their official duties.

The bill also permits State corrections officers, if they have the approval of the Commissioner of Corrections, and county corrections officers, if they have the approval of the chief administrator of the facility where they are employed, who are certified as having successfully completed the training course,

to possess and use a stun gun while on duty.

The bill requires the Attorney General to promulgate directives, including stun gun specifications approved for use by law enforcement officers.

The Attorney General is to annually submit a report to the Governor and the Legislature under the amended bill evaluating the use of stun guns by law enforcement officers. The report is to recommend whether the use of stun guns should be continued.

Current law prohibits all law enforcement officers and corrections officers from possessing and using stun guns, unless they are specifically exempted from that prohibition by the Attorney General.

Status: A3530 is in the Assembly Law and Public Safety Committee.. S1797 is Senate Law and Public Safety Committee.

FOP SUPPORTS

A3587 Prieto /Jimenez (D32)

Enhances PFRS accidental death pension for surviving spouse providing for minimum of \$50,000 annually.

Status: Proposed for introduction

FOP SUPPORTS

A3593 Johnson(D37)/Bucco (R25)

This bill clarifies that civilians appointed or designated as public safety directors of police departments do not acquire and are not conferred police powers by virtue of that appointment or designation. The provisions of the bill apply to municipal police departments; county police departments, including county police, county park police, and county college police, and police departments of State agencies. The bill also applies to college and university police departments.

Specifically under the bill, if a police department does not have a chief of police, either because the position has not been established or because it is vacant, the highest or next highest ranking sworn police officer is responsible for the efficiency and routine day to day operations of the agency. The bill establishes that these duties are police powers to be exercised only by duly sworn law enforcement officers.

The bill prohibits a person appointed as a civilian chief executive of a police department or agency from exercising police powers or performing police duties, including, but not limited to the following:

- (1) operating a marked or unmarked police car, conducting a motor vehicle stop, engaging in patrol activities or answering calls for service;
- (2) stopping, detaining or arresting persons;
- (3) wearing a law enforcement officer uniform of any type or class, displaying a badge of any type, or otherwise exhibiting evidence of police authority;
- (4) obtaining criminal history or motor vehicle record information or accessing criminal investigative reports;
- (5) directing internal affairs investigations or accessing records related to these investigations;
- (6) directing criminal investigations; and
- (7) carrying a firearm while performing the duties of the civilian chief executive of the police force.

The bill also prohibits a civilian chief executive from establishing a title or position that has not been approved by the Department of Personnel or appointing a civilian to control the routine day to day operations of the police department or agency. The bill authorizes an exclusive bargaining representative to directly appeal a violation to the Appellate Division of the Superior Court.

Status: A3593 is in the Assembly Law and Public Safety Committee.

FOP Supports

A3657 Tucker/Caputo (D28)

S2152 Rice (D28, Ruiz (D29)

This bill establishes certain benefits for Class Two special law enforcement officers. Under current law, Class Two special law enforcement officers only have full police powers while on duty and are required to return their firearms to the officer in charge of their station at the end of each workday.

This bill authorizes all Class Two special law enforcement officers who successfully complete the statutorily required training programs to exercise full police power and carry their firearms at all times when in this State. The bill also allows arson investigators to carry a firearm at all times while in this State.

In addition, the bill establishes new requirements for Class One and Class Two special law enforcement officers. Specifically, the bill requires all special law enforcement officers to be between 21 and 75 years of age and to submit to a drug test at the time of appointment. The bill also waives the training requirements to become a Class Two special law enforcement officer for persons who previously served as a full-time corrections officer, sheriff's officer, or law enforcement officer.

This bill also clarifies that Class Two special law enforcement officers are granted the same protections as all law enforcement officers. Under current law, a simple assault is upgraded to an aggravated assault if committed against a law enforcement officer while clearly identifiable as being engaged in official duties or due to law enforcement status. Current law also makes it a fourth degree crime to impersonate a law enforcement officer and a second degree crime to knowingly take or attempt to exercise unlawful control over a law enforcement officer's firearm. This bill clarifies that the same penalties for the crimes of assaulting, impersonating, or disarming a law enforcement officer apply if committed against a Class Two special law enforcement officer. The bill also specifically extends to Class Two special law enforcement officers the same immunity from civil liability granted to regular full-time law enforcement officers.

Under the bill, Class Two special law enforcement officers would be permitted to act as security at polling place on the day of an election to ensure that qualified voters are not obstructed from voting. The bill authorizes the automatic expungement of criminal charges that are filed against any law enforcement officer, including any Class Two special law enforcement officer, in the course of official duties if the officer is found not guilty. Class Two special law enforcement officers also would be entitled to paid leave to attend any State or national convention of the Special Police Organization. Under current law, paid leave is only granted to members of an organization affiliated with the New Jersey Policemen's Benevolent Association, Inc., the Fraternal Order of Police, the Firemen's Mutual Benevolent Association or the Professional Fire Fighters Association.

Currently, special law enforcement officers are prohibited from working more than 20 hours per week except: 1) during periods of emergency, 2) in resort municipalities, 3) or to provide public safety and law enforcement services to a public entity. This bill requires counties and municipalities in which special law enforcement officers work more than 20 hours per week to purchase liability insurance for acts or omissions committed by special law enforcement officers acting in the course of their official duties.

The bill also allows a department, commission, or agency to dismiss a complaint filed by a private citizen or an inmate against a regularly appointed, full-time law enforcement officer or Class Two special law enforcement officer without full investigation if it determines that the complaint does not constitute a violation of law or departmental rule or regulation. A complaint filed by a private citizen or an inmate also may be dismissed if the complainant failed to substantially comply with the complaint procedure prescribed by the employing department.

Finally, the bill expands the list of retired law enforcement officers who are eligible to receive a permit to carry a handgun to include retired arson investigators and Class Two special law enforcement officers who retire after four years of service. Under current law, certain retired law enforcement officers may annually apply for a permit to carry a handgun, until those officers reach age 75, at which time they are no longer eligible. The permit allows a retired law enforcement officer to carry a handgun at all times. Under this bill, retired arson investigators and Class Two special law enforcement officers who retire after four years of service would be eligible to receive a carry permit.

Status: A3657 is in the Assembly Law & Public Safety Committee. S2152 is in Senate Law & Public Safety Committee.

FOP Support

A3660 Peterson (R23), Rible (R30)

This bill requires certain law enforcement officers to provide sufficient identification while performing their official duties.

Under current law, there is no requirement that law enforcement officers show identification or otherwise exhibit signs of their status. As such, members of the community may not have the ability to verify the official status of a law enforcement officer. It is the sponsor's belief that the provisions of the bill, requiring law enforcement officers to present sufficient identification, are necessary to maintain the safety and integrity of routine law enforcement interactions.

Under the bill, each law enforcement officer acting in the performance of the officer's official duties, including the duties performed during a motor vehicle stop, is required to show sufficient identification. The bill provides that an officer will be deemed to have provided sufficient identification if the officer complies with two or more of the following conditions: the officer is dressed in a department-issued uniform bearing the agency insignia; the officer presents a department-issued identification card bearing the officer's photograph and identifying information; the officer presents a badge, tag, or label which identifies the officer by number or other department-issued identification; or the officer operates a vehicle to which the official agency insignia is permanently affixed and is clearly visible from a distance of 50 feet.

Pursuant to the bill, these provisions would not apply when the release of sufficient identification could jeopardize the safety of the law enforcement officer or the integrity of an authorized investigation, and would not be construed to prevent a law enforcement officer in plain clothes or operating an unmarked vehicle from intervening in urgent matters of public safety.

Status: A3660 is in the Assembly Law & Public Safety Committee.

FOP Supports

A3755 Munoz (D21)

This bill requires State, county, county park, and municipal police departments or law enforcement agencies, the New Jersey Transit police department, educational institutions that appoint police officers, county sheriff's offices, investigators, State and county correctional facilities, and the State Parole Board to adopt maternity policies applicable to uniformed members of the department, force or agency who present proof of pregnancy.

A maternity policy adopted pursuant to the bill's provisions is required to comply with applicable State and federal statutes, rules, and regulations. Additionally, the bill requires any maternity policy adopted pursuant to its provisions to include the following:

- protection from discrimination due to pregnancy, childbirth, or any related medical conditions;
- procedures to ensure pregnant law enforcement officers and corrections officers receive treatment equal to other temporarily disabled law enforcement officers and corrections officers;
- procedures to modify full-duty assignments and to provide temporary, light-duty assignments, if and when medically indicated, consistent with the operational requirements of the employer, and that take into consideration any specific restrictions identified by a pregnant law enforcement or corrections officer's physician;
- exemption from mandatory firearms qualification requirements during the pregnancy and until the law enforcement officer is certified for full-duty status;
- procedures to provide for any uniform and equipment modifications, as necessary and feasible.

Status: A3755 is in the Assembly Law & Public Safety Committee.

FOP Supports

A3768 Dancer (R12)

This bill revises and clarifies the laws concerning motor vehicle window tinting.

Multiple statutes are cited as the basis for the State's current restrictions on post-production window

tinging and referenced in case law regarding tickets issued by law enforcement. This bill amends current law to establish R.S.39:3-74 as the statutory authority concerning the permissible tint of a vehicle's windshield and front side windows. The bill also amends R.S.39:3-75, which regulates "safety glazing material," to clarify that this section of law is not applicable to tinting materials or film permitted on motor vehicle windows pursuant to R.S.39:3-74 and P.L.1999, c.308 (C.39:3-75.1 et seq.).

Specifically, the bill prohibits a person from driving a vehicle with any tinted material or film on the windshield or front side windows unless the material or film is: (1) applied by the vehicle manufacturer prior to its sale and the tinted material and film permits a light transmittance of less than 70 percent, except as applied to the top six inches of the windshield or above the AS-1 marking on the windshield, (2) a product or material that increases light reflectance or reduces light transmittance, as authorized by the Chief Administrator of the New Jersey Motor Vehicle Commission (MVC) pursuant to P.L.1999, c.308, because the person has a photosensitivity medical condition, or (3) applied on a vehicle used solely for law enforcement purposes. A person in violation of this provision would be subject to a fine not to exceed \$100. This violation is considered a "primary offense" whereby law enforcement officers are authorized to stop and ticket motorists whenever they are observed driving a vehicle with illegally tinted windows.

Currently, a person who installs tinting material is to include a label on each windshield and window. This bill requires the label to include the installer's name and location.

Under P.L.1999, c.308, each approved applicant is issued a certificate or card, valid for a period of up to 48 months, to be exhibited to a law enforcement officer upon request and to a designated motor vehicle examiner whenever the vehicle is inspected. A person in violation of this provision is subject to a fine of up to \$100; however, if the person charged with the violation exhibits a certificate or card to a municipal court judge that was valid on the day of the charge, the judge may dismiss the charge. This bill amends current law to provide that, in this case, a judge cannot impose court costs.

The bill authorizes the chief administrator to adopt rules and regulations to measure and test permissible motor vehicle window tint and light transmittance requirements.

Lastly, the bill directs the Director of the Division of Consumer Affairs in the Department of Law and Public Safety to develop and undertake a public information program, in consultation with the Division of State Police, to educate drivers of the restrictions on and penalties for installing window tinting materials in violation of State law.

It is the sponsor's intent to clarify the law concerning window tinting to improve its interpretation and enforcement, and to enhance police officer and public safety, which is beneficial to the general public, law enforcement, and the courts in this State.

Status: A3768 is in the Assembly Law & Public Safety Committee.

FOP Supports

A4038 Andrzejczak (D1) etc.

This bill expands the crime of bias intimidation to include crimes and offenses committed against law enforcement officers and emergency services personnel.

Under current law, a person commits the crime of bias intimidation if the person commits one of the enumerated offenses with purpose to intimidate, or with knowledge that commission of the crime will cause intimidation, based on: (1) race, (2) color, (3) religion, (4) gender, (5) disability, (6) sexual orientation, (7) gender identity or expression, (8) national origin, or (9) ethnicity. The law provides that the crime of bias intimidation is graded one level higher than the underlying offense and that a conviction for bias intimidation will not merge with other convictions.

As detailed in recent media accounts, there has been a national outbreak of violent and deadly attacks against members of the law enforcement community and emergency services personnel. It is the sponsor's intent to provide additional protections to members of the law enforcement community and emergency services personnel in the State of New Jersey by expanding the definition of bias intimidation to include crimes committed with purpose to intimidate law enforcement officers and emergency services personnel.

Additionally, this bill amends the bias intimidation statute in accordance with the holding

in *State v. Pomianek*, 221 N.J.66 (2015), that paragraph (3) of subsection a. of N.J.S.2C:16-1 violates the Due Process Clause of the Fourteenth Amendment. The court ruled that paragraph (3) “is sufficiently vague that a person of reasonable intelligence cannot discern the dividing line between criminal and lawful behavior. A line that moves based on the victim’s perceptions, however reasonable and perhaps mistaken, does not give adequate notice of what is prohibited.”

This bill would eliminate the provision concerning the victim’s perception and replace it with language concerning a “reasonable” victim. Similar language concerning a “reasonable” victim is set out in the stalking statute, subsection b. of section 1 of P.L.1992, c.209 (C.2C:12-10), and was upheld by the New Jersey Supreme Court in *State v. Gandhi*, 201 N.J.161 (2008).

Under the bill, a person would be guilty of the crime of bias intimidation pursuant to paragraph (3) of subsection a. of N.J.S.2C:16-1 if the person commits an enumerated crime “under circumstances that would cause a reasonable individual or group of individuals to be intimidated because of the individual’s or group’s race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, ethnicity, or status as a law enforcement officer or emergency services personnel.”

Status: A4038 is in the Assembly Law & Public Safety Committee.

FOP Supports

A4136 Howarth (R8)

This bill provides for the issuance of distinctive motor vehicle license plate for family members of deceased law enforcement officers and firefighters whose deaths resulted from their work or status as officers or firefighters. These special license plates would be issued at no additional cost to the applicant. The plates would be designed by the chief administrator.

Under the bill, “family member” means a spouse, child, child’s spouse, parent, parent’s spouse, grandchild, grandchild’s spouse, whether the individual is related by blood, marriage or civil union, or adoption. The bill defines “law enforcement officer” as a member of any federal, State, county, or municipal law enforcement agency, department, or division of those governments who is statutorily empowered to act for the detection, investigation, arrest, conviction, detention, or rehabilitation of persons violating the criminal laws of a state or of the United States and whose name has been included on the National Law Enforcement Officers Memorial. A “firefighter” is defined as a paid or volunteer firefighter serving in any state. “State” includes the 50 states, the District of Columbia, Puerto Rico, and any other United States Territory.

The bill authorizes the creation of the “Family of Fallen Law Enforcement Officers and Firefighters License Plate Fund,” into which moneys may be donated or otherwise made available by persons, including non-governmental organizations, non-profit organizations, and corporations.

Status: A4136 is in the Law and Public Safety Committee.

FOP Supports

A4314 Johnson (D37)

S2763 Greenstein (D14)

This bill exempts certain governmental employees from the prohibition on posting on the Internet a law enforcement officer’s address or telephone number.

Under current law, State and local governmental agencies are prohibited from knowingly posting or publishing on the Internet the home address or unpublished home telephone number of any law enforcement officer or retired law enforcement officer without first obtaining the written permission of that officer.

Under this bill, that provision would not apply to an employee of a State or local governmental agency who posts or publishes on the Internet, in the course of employment, a public record under the Open Public Records Act (OPRA).

Status: A4314 is in Assembly Law and Public Safety Committee. S2763 is in Senate Law and Public Safety Committee.

FOP OPPOSE

A4450 Dancer (R12)

Requires vendors of law enforcement uniforms to verify identity of buyers in certain circumstances.

Status: A4450 was proposed for introduction.

FOP Supports

A4451 Bucco (R25)/Caputo (D28)

Permits retired corrections officers to be appointed Class Three special law enforcement officer.

Status: A4451 was proposed for introduction.

FOP Supports

A4465 Andrzejczak/Land (D1)

Excluding from gross income taxation certain pension payments received by police officers and firefighters.

Status: A4465 was proposed for introduction.

FOP Supports

ACR109 Prieto/Jimenez (D32)

SCR2 Sweeney (D3)/Turner (D15)/Greenstein (D14)

Proposes constitutional amendment to require payments by State to State-administered retirement systems and establish in Constitution right of public employees to pension benefit; provides for enforcement of funding obligations and benefit rights.

Status: ACR109 is in the Senate Budget and Appropriations Committee. SCR2 is ready for Senate passage.

FOP Support

AR 129 Dancer (R12)

Commends New Jersey Supreme Court's decision delaying Sundiata Acoli's release.

Status: Proposed for introduction.

FOP SUPPORTS

S1 Sweeney (D3)

A2490 Lampitt (D6)

A3294 McKeon (D27)

The bill encourages local unit sharing of services.

Status: S1 is in the Senate Community and Urban Affairs Committee. A2490 is in the Assembly State and Local Government Committee. A3294 is in Assembly Law and Local Government Committee.

FOP OPPOSES

S111 Pennachio (R26)

This bill replaces TPAS, PERS, PFRS and SPRS accidental disability benefits with reduced work-related disability benefit and modified the JRS disability benefit.

Status: S111 is in the State Government Committee, Wagering, Tourism and Historic Preservation Committee.

FOP OPPOSES

S240 Singer (R30)

A1329 Rible R30)

This bill protects the home addresses of current and retired law enforcement officers from being

released by governmental entities. Currently, this information is considered a government record and is available to the public via P.L.1963, c.73 (C.47:1A-1 et seq.), commonly known as the open public records act.

The bill excludes law enforcement officers' home addresses from the definition of "government record." The bill also requires custodians of government records to redact the addresses from any records prior to granting access, unless the information is sought for use by a governmental agency in carrying out its functions, or a private person seeking to enforce a child support order. The bill further provides that requests for law enforcement officers' home addresses are to be denied.

Law enforcement officer is defined in the bill as, "any person who is employed as a permanent full-time member of any State, county or municipal law enforcement agency, department, or division" of those governments who is statutorily empowered to act for the detection, investigation, arrest, conviction, detention, or rehabilitation of persons violating the criminal laws of this State and statutorily required to successfully complete a training course approved by, or certified as being substantially equivalent to such an approved course, by the Police Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.)."

Status: S240 is in the Senate Law and Public Safety Committee. A1329 proposed for introduction FOP SUPPORTS

S395 Barnes, III (D18)

A1512 MdKeon (D27)

This bill establishes a two-year pilot program in which the Attorney General performs internal affairs functions for Edison Township. The purpose of the bill is to exercise the Attorney General's supervisory role in State law enforcement to test an internal affairs pilot program in a locality that is manageably sized yet possessing key characteristics that are generally representative of the local jurisdictions with identifiable internal affairs challenges.

The bill empowers the Attorney General to establish and administer a two-year internal affairs pilot program. Upon completion of the pilot program, the bill requires the Attorney General to submit a report to the Governor and the Legislature concerning the effectiveness of the program. The bill denotes that the report must include recommendations as to the potential expansion of the program to certain other municipal law enforcement agencies where the county prosecutor has intervened in the operation of the police department. The bill expires upon the filing of the Attorney General's report.

Status: S395 is in the Senate Budget Committee. A1512 is in the Assembly Judiciary Committee. FOP Opposes

S400 Barnes (D18)

A1115 Oliver (D34)

This bill requires the Attorney General to appoint a special prosecutor to investigate law enforcement officers against whom a criminal complaint has been filed in connection with the performance of the officer's duties and prosecute charges of misconduct and brutality.

A special prosecutor appointed under the provisions of the bill would have all the power and authority of the county prosecutor. The special prosecutor is authorized to investigate the alleged crimes, appear before the county criminal courts and grand juries, prepare and try indictments, and represent the State in appeals of the criminal cases in State courts. The special prosecutor also may appoint temporary assistants, aides, investigators, or other personnel and incur any necessary expenses.

According to the sponsor, this bill is intended to address the perception of bias in police misconduct investigations. Because of recent high-profile decisions by grand juries not to charge police officers in cases of police-involved fatalities, the public does not trust county prosecutors to investigate the local police officers with whom they regularly work and rely upon to prepare cases and serve as witnesses. Under the bill, these cases would be handled by a special prosecutor.

**Status: S400 is in the Senate Law and Public Safety Committee. A1115 proposed for introduction.
FOP Oppose**

S589 Cunningham (D31)

This bill allows a member of the Public Employees' Retirement System (PERS) to apply for accidental disability benefits based upon an injury sustained while employed temporarily at Trenton Psychiatric Hospital, any other State psychiatric institution or any State correctional facility, which injury continues to be disabling after the person becomes a PERS member. Temporary public employees are not eligible for PERS membership until the employment becomes permanent or the passage of one year, whichever occurs first. Currently, persons employed temporarily at any State psychiatric institution or any State correctional facility who are injured while ineligible for PERS membership are eligible for workers compensation benefits only. They are not eligible for PERS accidental disability benefits even after attaining PERS member status because the injury occurred when not a PERS member.

The bill provides that, for purposes of application for a PERS accidental disability benefit, a traumatic event (1) occurring during and as a result of the performance of a State employee's regular or assigned duties as, but not limited to, a doctor, nurse, healthcare worker, social worker, or correction officer caring for or guarding individuals who are permanently or temporarily incarcerated for any reason at Trenton Psychiatric Hospital, any other State psychiatric institution or any State correctional facility and (2) occurring when the employee is employed temporarily and not yet eligible for membership in the retirement system will be deemed as occurring during membership, if the employee becomes a member of the retirement system without interruption in that employment.

**Status: S589 is in the State Government, Wagering, Tourism & Historic Preservation Committee
FOR SUPPORTS**

S643 Turner (D15)

This bill reinstates automatic cost-of-living adjustments (COLAs) for retirement benefits under the "Pension Adjustment Act," P.L.1958, c.143 (C.43:3B-1 et seq.), for members of the Teachers' Pension and Annuity Fund, the Judicial Retirement System, the Public Employees' Retirement System, the Police and Firemen's Retirement System, and the State Police Retirement System. Provisions contained in P.L.2011, c.78 (C.43:3C-16 et al), signed into law on June 28, 2011, cancelled the automatic, annual adjustment for current and future retirees and beneficiaries of these State-administered retirement systems.

COLAs protect retirement benefits against erosion by inflation, the ills of which were addressed by the Legislature, both for the individual and the State, with the enactment of the "Pension Adjustment Act" in 1958.

Without the annual adjustment, retirees and beneficiaries will gradually see significant reductions in their purchasing power. The loss of COLAs will impact their everyday lives, and, over time, make it harder to afford more necessary elements of living, such as out-of-pocket medical costs, groceries, and utility bills. Retirees and beneficiaries will find it more prudent, or perhaps necessary, to leave this State for other states with a comparably lower cost of living.

For the State, such outbound migration will result in the loss of the economic activity of those retirees and beneficiaries, and any tax revenues concomitant with such activity. In addition, New Jersey's fiscal outlook may be further strained by the retirees and beneficiaries who remain. These persons will continue to slip further downward on the socioeconomic scale. In some cases, they will require, or at the least become eligible and utilize, greater levels of public assistance under the many taxpayer funded social programs administered by the State, counties, and municipalities, requiring more revenues to meet this increased demand.

In the interests of the retirees and beneficiaries of the State-administered retirement systems, and the State, this bill reinstates the automatic COLAs for retirement benefits under the "Pension Adjustment Act."

Status: S643 is in the Senate State Government, Wagering, Tourism & Historic Preservation Committee

FOP SUPORTS

S788 Sarlo (D36)

This bill creates an exemption to the State's open public records law for law enforcement camera recordings and 9-1-1 audio recordings or transcripts.

Specifically, the bill provides that law enforcement camera recordings and 9-1-1 audio recordings or transcripts of a 9-1-1 call are not included as government records under the Open Public Records Act (OPRA) and, therefore, would not be available to the public.

The law enforcement camera recordings would be available, however, for use by any person authorized by law to have access to the recordings or for use by any government agency, including any court or law enforcement agency, for purposes of the administration of justice.

Status: S788 is in he Senate Law and Public Safety Committee.

FOP Study

S822 Pou (D35)

A1873 Wimberly (D35)

The purpose of this bill is to offer a second opportunity for employment to a member of the National Guard or the Reserves who could not accept a position as a police officer or firefighter because of service to the nation. It allows a person who previously passed or subsequently passes a civil service examination for the position of police officer or firefighter, but who was unable or is unable to complete any other requirements for employment because of active duty in the National Guard or the Reserves, to have the person's name placed in order by score on a subsequent eligible list (designated by the person) for the same type of position.

This privilege would be available to Guardsmen and Reservists called to at least 30 days of continuous active duty after September 11, 2001 and on or before December 28, 2014, known as Operation "Enduring Freedom," and on or after January 1, 2015 and on or before the date designated by the President of the United States or the Secretary of Defense as the termination date of Operation "Freedom's Sentinel." Any such person who met the maximum age requirement for a position at the announced closing date of the civil service examination on which the first list of eligibles is based will be deemed to have met such maximum age requirement on the date that the person's name is placed on a subsequent eligible list.

Status: S822 is in the Senate State Government, Wagering, Tourism and Historic Preservation Committee.

A1873 is in the Assembly State and Local Government Committee.

FOP Support

S849 Stack (D33)

This bill prohibits the payment by the State, local governments, and boards of education of supplemental compensation to any current or future public officer or employee for accumulated unused sick leave earned after the bill's effective date. The bill will take effect the first day of the second month following enactment. Supplemental compensation for any sick leave earned prior to that date but not used will be payable as under current law.

In addition, the bill imposes limits on the carry-forward of vacation leave that is not used in a given year by any current or future employee of the State, a local government, or board of education.

The bill requires that payment for unused accumulated sick leave and vacation leave will be suspended if the officer or employee is indicted for certain crimes that involve or touch the office or employment. The payment will be forfeited if the officer or employee is convicted. The bill requires the Attorney General to develop guidelines or establish procedures to provide the appropriate governmental agency or public employer with notice of any indictment or conviction of a current or former officer or employee.

The bill prohibits the use of six or more consecutive days of accumulated sick leave in the twelve months prior to retirement, without medical necessity verified in writing by a physician, by a current or future public officer or employee. The employer may require the officer or employee to submit to an

examination by a physician selected by the employer to verify the medical necessity. There are penalties for violations of this provision. For the first violation, the employer will treat the time taken as unpaid leave and impose a minimum disciplinary penalty of a fine in an amount equal to one and one-half times the daily rate of compensation for each day of violation. For the second violation, in addition to treating the time as unpaid leave, the employer will impose a minimum disciplinary penalty of a fine in an amount equal to three times the daily rate of compensation for each day of violation. For the third violation, in addition to treating the time taken as unpaid leave, the employer will have good cause to terminate the employee.

The minimum penalties set forth for the first and second violations may be increased at the discretion of the employer, based upon the prior record of the employee. The time converted to unpaid leave will also be deducted from the number of unused accumulated sick leave days credited on the effective date of retirement.

Certain provisions of the bill would apply after the expiration of a collective negotiations agreement or individual contract of employment with a relevant provision in effect on the bill's effective date.

Status: In the State Government, Wagering, Tourism & Historic Preservation Committee.

FOP OPPOSES

S879 Greenstein (D14)

A4237Aca (1R) Sumter (D35)

This bill prohibits a law enforcement officer from being discharged from employment based upon a determination that the officer is physically incapacitated for the performance of his or her duty under certain circumstances.

Specifically, under the provisions of this bill a State, county, or municipal law enforcement officer, who has been injured in the performance of his duties, cannot be discharged from employment as a result of a determination, based upon a medical examination by a physician that was designated by the officer's employer, that the officer is physically incapacitated, due to the injuries, for the performance of his usual duty and of any other available duty in the department which his employer is willing to assign him.

In addition, pending retirement, the employer of the law enforcement officer is required to maintain health insurance for the law enforcement officer at the same level that coverage was provided prior to the injury.

These provisions would apply only when a law enforcement officer has filed an application for retirement with the Police and Firemen's Retirement System, the State Police Retirement System, or the Public Employees' Retirement System, and the officer has sick leave or workmen's compensation time available or the law enforcement agency has the ability to assign the officer to light duty pending retirement. Lastly, the provisions of this bill would apply to both civil service and non-civil service jurisdictions. The bill was amended to extend the same protections for firefighters.

Status: On the Governor's desk.

FOP SUPPORTS

S882 Greenstein (D14)/Turner (D15)

This bill permits State and county correctional facilities to utilize body scanning imaging equipment to search inmates. The bill limits the use of body imaging scanning equipment to searches conducted before or after the inmate enters or leaves the facility. The bill also permits the use of body imaging scanning equipment to search an inmate prior to or following a prehearing detention, disciplinary detention, protective custody, psychological observation, suicide watch, or a contact visit in which the inmate and visitor have physical contact and under certain other circumstances.

The body image scanning equipment may be operated by an employee of the correctional facility or other law enforcement officer. The bill requires an employee who operates the equipment to successfully complete a training course approved by the Police Training Commission and meet any education and training qualifications required by the Commissioner of Corrections. Body imaging scanning equipment

is defined in the bill as equipment that utilizes a low dose conventional x-ray transmission to produce an anatomical image of the inmate which is capable of identifying external and internal contraband.

Status: S882 is in the Senate Law and Public Safety Committee.

FOP SUPPORTS

S884 Greenstein (D14)

Expands scope of law governing registration of security guards; designated as "Melvin Santiago's Law."

Status: S884 is in the Senate Law and Public Safety Committee.

FOP Support

S1003 Holzapfel (R10)

This bill exempts from jury duty full-time State, county and municipal police officers and Class Two special law enforcement police officers appointed pursuant to P.L. 1985, c. 439. Prior to 1995, police officers were exempted from jury duty.

Status: S1003 proposed for introduction.

FOP SUPPORTS

S1020 Weinberg (D37)/Turner (D15)

A2602 Gusciora (D15)

This bill establishes a two-year pilot program in which the Attorney General performs internal affairs functions for Edison Township. The purpose of the bill is to exercise the Attorney General's supervisory role in State law enforcement to test an internal affairs pilot program in a locality that is manageably sized yet possessing key characteristics that are generally representative of the local jurisdictions with identifiable internal affairs challenges.

The bill empowers the Attorney General to establish and administer a two-year internal affairs pilot program. Upon completion of the pilot program, the bill requires the Attorney General to submit a report to the Governor and the Legislature concerning the effectiveness of the program. The bill denotes that the report must include recommendations as to the potential expansion of the program to certain other municipal law enforcement agencies where the county prosecutor has intervened in the operation of the police department. The bill expires upon the filing of the Attorney General's report.

Status: S1020 is in the Senate Law and Public Safety Committee. A2602 is in the Assembly Law and Public Safety Committee.

FOP Opposes

S1382 Gill (D34)

This bill regulates the use of body cameras worn by law enforcement officers.

Under the bill, only law enforcement officers are authorized to wear a body camera in this State. A body camera is to be located on the officer where it maximizes the camera's ability to capture video footage of the officer's activities. The video and audio recording functions of the body camera are to be activated whenever the officer is responding to a call for service or at the initiation of any other law enforcement or investigative encounter between an officer and a member of the public. But if an immediate threat to the officer's life or safety makes activating the body worn camera impossible or dangerous, the officer is directed by the bill to activate the body camera at the first reasonable opportunity to do so. The law enforcement officer wearing the body camera is required to notify the subject of the recording that he or she is being recorded as close to the inception of the encounter as is reasonably possible.

The bill specifies that a body camera is to remain activated until the encounter has fully concluded and the law enforcement officer leaves the scene. The bill permits an officer to deactivate the camera before the conclusion of the encounter if requested by the occupant of a private residence being entered by the

officer without a warrant or in non-exigent circumstances; a victim; or a person anonymously reporting a crime or assisting in an investigation.

The bill prohibits a law enforcement officer from using a body camera surreptitiously or to gather intelligence information based on First Amendment protected speech, associations, or religion, or to record activity that is unrelated to a response to a call for service or a law enforcement or investigative encounter between a law enforcement officer and a member of the public. A law enforcement officer also is prohibited from wearing a body camera on school grounds, except when responding to an imminent threat to life or health.

The bill requires video footage from a body camera to be retained by the law enforcement agency that employs the officer for six months from the date it was recorded. The video footage is to be permanently deleted after expiration of this six-month period. But the bill makes certain exceptions to the six-month rule. Video footage is to be retained for not less than three years if it captures images involving any use of force; events preceding and including an arrest for a crime or attempted crime; or an encounter about which a complaint has been registered by a subject of the video footage.

Video footage also is to be retained for not less than three years if a longer retention period is voluntarily requested by the law enforcement officer whose body worn camera recorded the video footage, if that officer reasonably asserts the video footage has evidentiary or exculpatory value; a law enforcement officer who is a subject of the video footage, if that officer reasonably asserts the video footage has evidentiary or exculpatory value; any superior officer of an officer whose body worn camera recorded the video footage or who is a subject of the video footage, if that superior officer reasonably asserts the video footage has evidentiary or exculpatory value; a law enforcement officer, if the video footage is being retained solely and exclusively for police training purposes; a member of the public who is a subject of the video footage; a parent or legal guardian of a minor who is a subject of the video footage; or a deceased subject's next of kin or legally authorized designee.

The bill also specifies when video footage from a body camera is exempt from the State's open public records act. Recent case law has held that police video recordings are exempt from public disclosure under the State's open public records act because they pertain to criminal investigations. Notwithstanding this law, the bill specifies that video footage from a body worn camera is not subject to public inspection only when: 1) the footage is not subject to a three-year retention period; 2) the footage constitutes a recording of an encounter about which a complaint has been registered by the subject of the footage and the subject requests the footage not be made public; 3) a law enforcement officer or superior officer reasonably asserts the video footage has evidentiary or exculpatory value or the footage is being used for police training purposes; and (4) a member of the public, parent or legal guardian, or deceased subject's next of kin requests the video footage not be made available to the public.

Further, the bill limits superior officers from viewing footage unless there's an allegation of misconduct against the officer who recorded the footage and prohibits automated analysis or analytics. Third party vendors contracted to maintain video footage are prohibited from viewing the footage other than to delete it.

Finally, the bill requires disciplinary action to be taken against any law enforcement officer, employee, or agent who fails to adhere to the recording or retention requirements contained in the bill or who intentionally interferes with a body worn camera's ability to accurately capture video footage. A rebuttable presumption in favor of criminal defendants and civil plaintiffs is established if exculpatory evidence was destroyed or not captured.

Any video footage from a body worn camera recorded in contravention of the bill's provisions or any other applicable law is to be immediately destroyed and is not to be admissible as evidence in any criminal, civil, or administrative proceeding.

Status: S1382 is in the Senate Law and Public Safety Committee.

FOP Opposes

S1447 Bucco (R25)

A1325 Rible (R30)

A3279 Dancer (R12)

P.L.2007, c.204, enacted on December 17, 2007, repealed the death penalty in this State and replaced it with life without parole. This bill would restore the death penalty for persons convicted of certain murders.

Under the bill, a person who committed the homicidal act by his own conduct, or, as an accomplice procured the commission of the offense by payment or promise of payment of anything of pecuniary value, could be sentenced to death if: (1) the victim was a law enforcement officer or correction officer and was murdered while performing his official duties or was murdered because of his status as a law enforcement officer or correction officer; (2) the victim was less than 18 years old; or (3) the murder occurred during the commission of the crime of terrorism.

Under the bill, as under prior law, a defendant found guilty of capital murder could only be sentenced to death after a second proceeding concerning sentencing. During the sentencing proceeding, the jury or the court would weigh the aggravating factors of the case against the mitigating factors in order to determine whether the defendant would receive a sentence of death. The aggravating factors would consist of the following:

- (a) The defendant has been convicted, at any time, of another murder;
- (b) In the commission of the murder, the defendant purposely or knowingly created a grave risk of death to another person in addition to the victim;
- (c) The murder was outrageously or wantonly vile, horrible or inhuman in that it involved torture, depravity of mind, or an aggravated assault to the victim;
- (d) The defendant committed the murder as consideration for the receipt, or in expectation of the receipt of anything of pecuniary value;
- (e) The defendant procured the commission of the murder by payment or promise of payment of anything of pecuniary value;
- (f) The murder was committed for the purpose of escaping detection, apprehension, trial, punishment or confinement for another offense committed by the defendant or another;
- (g) The murder was committed while the defendant was engaged in the commission of, or an attempt to commit, or flight after committing or attempting to commit murder, robbery, sexual assault, arson, burglary, kidnapping, carjacking or the crime of contempt in violation of the N.J.S.A.2C:29-9 b. (concerning domestic violence);
- (h) The defendant murdered a public servant while the victim was engaged in the performance of his official duties, or because of the victim's status as a public servant;
- (i) The defendant: (i) as a leader of a narcotics trafficking network and in furtherance of a conspiracy committed, commanded or by threat or promise solicited the commission of the murder or (ii) committed the murder at the direction of a leader of a narcotics trafficking network in furtherance of a conspiracy;
- (j) The homicidal act that the defendant committed or procured was in violation of paragraph (1) of subsection a. of N.J.S.2C:17-2 (causing widespread injury or damage);
- (k) The victim was less than 14 years old; or
- (l) The murder was committed during the commission of, or an attempt to commit, or flight after committing or attempting to commit, terrorism.

As under prior law, the mitigating factors would consist of the following:

- (a) The defendant was under the influence of extreme mental or emotional disturbance insufficient to constitute a defense to prosecution;
- (b) The victim solicited, participated in or consented to the conduct which resulted in his death;
- (c) The age of the defendant at the time of the murder;
- (d) The defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law was significantly impaired as the result of mental disease or defect or intoxication, but not to a degree sufficient to constitute a defense to prosecution;
- (e) The defendant was under unusual and substantial duress insufficient to constitute a defense to

prosecution;

(f) The defendant has no significant history of prior criminal activity;

(g) The defendant rendered substantial assistance to the State in the prosecution of another person for the crime of murder; or

(h) Any other factor which is relevant to the defendant's character or record or to the circumstances of the offense.

Status: S1447 is in the Senate Judiciary Committee. A1325 is in the Assembly Judiciary Committee.

A3259 is in the Assembly Judiciary Committee.

FOP SUPPORTS

S1540 Pennacchio (R26)

This bill would encourage local governmental units to promote the wearing of blue, and the citizens of this State and the residents of each community to wear blue on Peace Officers Memorial Day in honor of the men and women of the law enforcement community.

In New Jersey, May 15th is designated Peace Officers Memorial Day. Each year on this day, the local governmental units and the citizens of this State, along with the residents of each community, are encouraged to recognize, applaud and sincerely thank those men and women who, serving night and day as law enforcement officers, protect and safeguard our lives and property. They are encouraged to display the flag of the United States at half-staff in honor of all federal, State and local law enforcement officers who have been killed or disabled in the line of duty, and are encouraged to organize and sponsor appropriate ceremonies and activities which are reflective of the sincere and deep appreciation the citizens of our State and communities extend to the men and women of the law enforcement community.

There are approximately 900,000 sworn law enforcement officers now serving in the United States. Over the past 10 years, an average of 146 officers have died in the line of duty every year. On average, there have been 58,930 assaults nationally against law enforcement officers which have resulted in 15,404 injuries each year.

In light of the recent negativity directed toward law enforcement officers and an erosion of respect for their authority throughout this country, there is an urgent need to show that the citizens of our State have a sincere and deep appreciation for the men and women of the law enforcement community who, despite the substantial risks they face each and every day, are dedicated to protecting and safeguarding our lives and property.

Status: In the Senate Law and Public Safety Committee.

FOP Support

S1580 VanDrew (D1), Bucco (R25)

A3809 Land/Andrzejczak (D1)

This bill would extend the three-year time period during which a member of the United States military who had completed Class Two special law enforcement officer training could be appointed to a police department without retaking the training by the amount of time that the member was deployed into active service.

The bill defines "military" as the armed forces of the United States, including the Army, Navy, Air Force, Marine Corps, and Coast Guard, the National Guard and any other reserve component of the armed forces, and the merchant marine when organized under the federal law as a public military force.

Under current law, municipalities are authorized to appoint a limited number of part-time special law enforcement officers to supplement their regular police forces. Many shore communities hire these officers during seasonal summer periods. Class Two special law enforcement officers are empowered to exercise full police powers and perform the duties of a permanent, regularly appointed full-time police officer. They also are authorized to carry a firearm.

Under Police Training Commission policy, a person who completes the Class Two special law enforcement basic police officer training program is certified for appointment to a police department for

three years. A trainee who does not receive an appointment within those three years must retake the course. Under this bill, in the case of a trainee who is a member of the United States military, the certification period would be automatically extended for the amount of time that the trainee spent being deployed in active service.

Status: S1580 is in the Senate Law and Public Safety Committee. A3809 is in the Assembly Law and Public Safety Committee.

FOP Support

S1686 Bucco (R25)

A1708 Dancer (R12)/Webber (R26)

This bill expands the crime of bias intimidation to include crimes and offenses committed against law enforcement officers.

Under current law, a person commits the crime of bias intimidation if he commits one of the enumerated offenses with purpose to intimidate, or with knowledge that commission of the crime will cause intimidation, based on: (1) race, (2) color, (3) religion, (4) gender, (5) disability, (6) sexual orientation, (7) gender identity or expression, (8) national origin, or (9) ethnicity. The law provides that the crime of bias intimidation is graded one level higher than the underlying offense and that a conviction for bias intimidation will not merge with other convictions.

As detailed in numerous recent media accounts, there has been a national outbreak of violent and deadly attacks against members of the law enforcement community. In January of 2015, the National Fraternal Order of Police (FOP) wrote to Congress and the President of the United States to request that members of the law enforcement community be added as a protected class in the federal hate crime law, due to the targeted nature of the violence. Both FOP letters noted that of the 47 police deaths by gunfire in 2014, 19 percent were due to so-called “ambush attacks.” The purposeful targeting of officers has continued into 2015 with multiple fatal attacks.

In response, it is the sponsor’s intent that this bill provide the protections demanded at the federal level to members of the law enforcement community in the State of New Jersey by expanding the definition of bias intimidation to include crimes committed with purpose to intimidate law enforcement officers.

Additionally, this bill amends the bias intimidation statute in accordance with the holding in *State v. Pomianek*, 221 N.J.66, 91 (2015), that paragraph (3) of subsection a. of N.J.S.A.2C:16-1 “fails to give adequate notice of conduct that it “proscribes” and is therefore, unconstitutional. Consequently, this bill deletes that provision of the law.

Status: S1686 is in the Senate Law and Public Safety Committee. A1708 is in the Assembly Law and Public Safety Committee.

FOP Support

S1782 Bucco (R25)

Under current law, a member of the Police and Firemen's Retirement System of New Jersey (PFRS) must retire upon reaching 65 years of age. This bill would allow a member holding an administrative position to stay until age 70 if the governing body of the municipality retains the member in service and if such a decision is communicated in writing to the PFRS board of trustees before the member turns 65. For a primarily administrative position, the physical rigors of the job are less than for other police positions, and longevity in the position is an asset, not a liability. Therefore, it is appropriate to give the governing body of the municipality the discretion to allow an effective employee to continue in service beyond the current mandatory retirement age.

Status: In the Senate State Government, Wagering, Tourism & Historic Preservation Committee.

FOP SUPPORTS

S1812 VanDrew (D1)

A3810 Land (D1)

This bill would require the Commissioner of Corrections to institute a 15-minute shift overlap in each of the 13 correctional facilities in this State for the purpose of information dissemination between corrections officers beginning and ending their shifts. Under the program of shift overlap established in the bill, a corrections officer whose shift has ended would be required to remain at his or her post for 15 minutes after the end of the shift to report what happened during that shift to the incoming officer.

Shift overlap enhances the safety and well-being of the officers and inmates in correctional facilities by allowing for the sharing of information between incoming and outgoing officers, particularly on issues such as gang activities and contraband. The Department of Corrections historically has provided for shift overlap periods of up to 30 minutes, but gradually reduced these periods until they were ultimately phased out altogether due to budget constraints. According to the sponsor, this has resulted in increased danger to inmates and corrections officers, increased use of institutional lockups and search details, and decreased morale among corrections officers.

This bill implements recommendation 2 of the Assembly Prison Gang Violence Task Force which issued its final report on December 12, 2006.

Status: S1812 is in the Senate Law and Public Safety Committee. A3810 is in Assembly Law & Public Safety Committee.

FOP SUPPORT

S1907 Bucco (R25)

A3230 Bucco, A. (R25)

This bill provides for life imprisonment without eligibility for parole for defendants who are convicted of murdering an emergency responder.

Under current law, if a murder victim was a law enforcement officer who was murdered while performing his official duties or was murdered because of his status as a law enforcement officer, the court is required to sentence the person convicted of the murder to a term of life imprisonment, during which the person is not eligible for parole. This bill expands this provision to also make it similarly applicable to defendants who murder emergency responders.

Status: S1907 is in the Senate Law and Public Safety Committee. A3230 is in the Assembly Law and Public Safety Committee.

FOP SUPPORTS

S1994 Beach (D6)

This bill prohibits county and municipal golf courses from charging a registration fee or other such charge to veterans or active members of the United States Armed Forces or a Reserve component thereof. In addition, veterans and active service members will be permitted to play at a county and municipal golf course at the county or municipal resident rate, regardless of the veteran's or active service member's place of residency within the State of New Jersey. The veteran or active member will be required to show appropriate identification, the type and form will be determined by the board of chosen freeholders or governing body of the municipality, as appropriate. The bill does require the veteran or service member to be a resident of New Jersey.

The Adjutant General of the Department of Military and Veterans' Affairs will determine veteran status. The Adjutant General shall adjudicate an appeal from any person disputing the decision as to whether a person is to be considered a veteran. The determination of the Adjutant General shall be binding on the veteran and the public entity.

Status: S1994 is in the Senate Community and Urban Affairs Committee.

FOP SUPPORTS

S2061Sca Sweeney (D3), Allen (R7) etc.

A3610 Conaway/ Singleton (D7)

This bill increases the accidental death benefits to 70% of final compensation for surviving children of a deceased member of the State Police Retirement System (SPRS) or the Police and Firemen's Retirement System (PFRS) redefines "child: for purposes of the SPRS, and provides for the bill's changes to apply prospectively to benefits initially granted on or after January 1, 2016.

Status: Signed by the Governor as P.L. 2016, C. 26.

FOP SUPPORTS

S2064 Thompson (R12)

A3537 Dancer (R12)

This bill would permit municipalities to accept private donations to fund public safety equipment acquisitions and salary enhancements for their police forces. The bill would allow private donations to be used to supplement municipal budgets, which have been constrained by the two percent property tax levy cap, to preserve and enhance public safety services and personnel.

Any salary enhancements provided under the bill would be distributed to police officers according to procedures and guidelines established by the municipal governing body.

Status: A2064 is in the Senate Community and Urban Affairs Committee. S3537 is in the Assembly State and Local Government Committee.

FOP Supports

S2148 Sweeney (D3)

This bill provides, from July 1, 2017 forward, an annual cost of living adjustment (COLA) in the weekly workers' compensation benefit rate for any worker who has become totally and permanently disabled from a workplace injury at any time after December 31, 1979 and for the surviving dependents of any worker who died from a workplace injury after December 31, 1979. This adjustment is intended to mirror, to the extent possible, the COLA already in place for benefits arising from an injury occurring before 1980.

The bill provides for the COLA to be an amount such that, when added to the workers' compensation weekly benefit rate initially awarded, the sum will bear the same percentage relationship to the maximum benefit rate at the time of the adjustment that the initial rate bore to the maximum rate at the time of the initial award, except that:

(1) the bill reduces the amount of the adjustment as much as necessary to ensure that the sum of the adjustment and the amount initially awarded does not exceed the amount which would cause any reduction of Social Security disability benefits;

(2) in cases which are not subject to the provisions of point one above, the bill reduces the supplemental workers' compensation benefits (but not regular workers' compensation) for claimants injured after 1979 by the amount of any Social Security benefits (other than Social Security disability benefits and any cost of living increases in Social Security benefits), Black Lung benefits, or the employer's share of disability pension payments received from or on account of an employer; and

(3) the bill requires that the COLA benefits will not be paid to any individual who elects to not receive benefits under the Federal Old Age, Survivors and Disability Insurance Act for which the individual is eligible.

These reductions parallel the reductions provided under current law for claimants who were injured before 1980. The bill also provides that no supplemental benefits will be paid in any case in which they are calculated to be less than \$5 per week.

Current law requires such annual adjustments in the rate of workers' compensation benefits for death and permanent total disability to be paid from the Second Injury Fund (SIF), but only for cases of injury or death occurring before January 1, 1980. The bill extends the adjustments paid from the SIF to claims originating after December 31, 1979, although the adjustments apply only to benefits paid on those claims after July 1, 2017 to avoid a backlog of retroactive benefits.

The bill provides that COLA benefits will commence six months after the increased SIF assessment to ensure the SIF has sufficient funds to pay the benefits without using General Fund money. The supplemental benefit payments will start on July 1, 2017 and the Department of Labor and Workforce Development is required to take into account the supplemental benefits when calculating the amount of the SIF assessment which starts on January 1, 2017 to avoid the need for any General Fund appropriation.

To avoid an abrupt fiscal impact on the workers' compensation system, the bill provides that one third of the supplemental benefit rate be paid during the first year (fiscal year 2018), two thirds of the rate be paid during the second year (fiscal year 2019), and the full amount be paid during the third year (fiscal year 2020) and subsequent years thereafter.

The cost of living supplement that the bill provides to an individual for total permanent disability or survivor's benefits under workers' compensation will be reduced by the original amount of that individual's periodic Social Security survivor's or retirement benefits, but not reduced by subsequent cost of living increases in those Social Security benefits. In the case of an individual who initially received Social Security disability benefits and later receives Social Security retirement benefits, or who dies and has dependents who receive Social Security survivors' benefits, the workers' compensation supplement will then be reduced by the amount of the Social Security retirement or survivor benefits, exclusive of any cost of living increase in those Social Security retirement or survivor benefits.

The bill sets time limits for workers' compensation insurers and self-insured employers to notify the SIF when supplemental workers' compensation benefits are required under the bill. An insurer or self-insured employer is required to provide the notice not more than 60 days after the supplement is awarded or voluntary payment is to begin. If a failure to notify results in the payment of an incorrect amount of benefits, the liability for the payment of the supplemental benefits is transferred from the SIF to the insurer or employer until the required notice is provided.

The bill makes no change in the provisions of sections 1 and 9 of P.L.1980, c.83 (C.34:15-95.4 and 34:15-95.5), which provide for the reduction of certain portions of workers' compensation benefits by the amount of Social Security disability benefits paid. In addition, the bill expressly states that the supplemental benefits shall not be paid in a manner which in any way changes or modifies the provisions of those sections. The bill, therefore, will have no effect on existing provisions of State and federal law regarding offsets between workers' compensation and federal Social Security disability benefits.

Status: S2148 is in the Senate Labor Committee.

FOP Supports

S2181 Gordon (D38)

A434 Eustace (D38)

The Intergovernmental Transfer Program within New Jersey's civil service allows eligible State and local government employees with permanent civil service status to transfer between State and local employment jurisdictions while maintaining their permanent status. Current regulations require the consent of the transferring employee, the sending jurisdiction, the receiving jurisdiction, and the Civil Service Commission.

This bill amends the statute that requires the commission to provide, by regulation, for intergovernmental transfers by law enforcement officers, including county sheriff and corrections officers, as part of the commission's intergovernmental transfer program. The bill provides that a lateral transfer of a law enforcement officer will occur without the consent of the sending jurisdiction if (1) the officer has completed two or more consecutive years of employment with the sending jurisdiction, excluding time on disability leave or leave of absence but including leave due to injury on duty, and (2) the sending jurisdiction previously refused to consent to the lateral transfer.

Status: S2181 is in the Senate State Government, Wagering, Tourism & Historic Preservation Committee.

A434 was reported out of Assembly Committee, 2nd Reading.

FOP Supports

S2478 Kyrillow (R13)/Sarlo (D36)

A4101 Dancer (R12)

This bill expands the crime of bias intimidation to include crimes and offenses committed against law enforcement officers and emergency services personnel.

Under current law, a person commits the crime of bias intimidation if the person commits one of the enumerated offenses with purpose to intimidate, or with knowledge that commission of the crime will cause intimidation, based on: (1) race, (2) color, (3) religion, (4) gender, (5) disability, (6) sexual orientation, (7) gender identity or expression, (8) national origin, or (9) ethnicity. The law provides that the crime of bias intimidation is graded one level higher than the underlying offense and that a conviction for bias intimidation will not merge with other convictions.

As detailed in recent media accounts, there has been a national outbreak of violent and deadly attacks against members of the law enforcement community and emergency services personnel. It is the sponsor's intent to provide additional protections to members of the law enforcement community and emergency services personnel in the State of New Jersey by expanding the definition of bias intimidation to include crimes committed with purpose to intimidate law enforcement officers and emergency services personnel.

Additionally, this bill amends the bias intimidation statute in accordance with the holding in *State v. Pomianek*, 221 N.J. 66 (2015), that paragraph (3) of subsection a. of N.J.S.2C:16-1 violates the Due Process Clause of the Fourteenth Amendment. The court ruled that paragraph (3) "is sufficiently vague that a person of reasonable intelligence cannot discern the dividing line between criminal and lawful behavior. A line that moves based on the victim's perceptions, however reasonable and perhaps mistaken, does not give adequate notice of what is prohibited"

This bill would eliminate the provision concerning the victim's perception and replace it with language concerning a "reasonable" victim. Similar language concerning a "reasonable" victim is set out in the stalking statute, subsection b. of section 1 of P.L.1992, c.209 (C.2C:12-10), and was upheld by the New Jersey Supreme Court in *State v. Gandhi*, 201 N.J. 161 (2010).

Under the bill, a person would be guilty of the crime of bias intimidation pursuant to paragraph (3) of subsection a. of N.J.S.2C:16-1 if the person commits an enumerated crime "under circumstances that would cause a reasonable individual or group of individuals to be intimidated because of the individual's or group's race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin, ethnicity, or status as a law enforcement officer or emergency services personnel."

In addition, the Attorney General is required to promulgate and adopt directives to provide that criminal charges for bias intimidation based on a person's status as a law enforcement officer will not be brought if the underlying offense does not result in bodily injury to the law enforcement officer unless the act involves terroristic threats against the law enforcement officer.

Status: S2478 is in the Senate Law and Public Safety Committee. A4101 is Assembly Law and Public Safety Committee.

FOP SUPPORTS

S2810 Sweeney (D3) etc.

A4 Prieto (D32) etc.

This bill requires the State to make its required contributions to the State-administered defined benefit retirement systems each State fiscal year on a quarterly basis on the following schedule: at least 25 percent by September 30, at least 50 percent by December 31, at least 75 percent by March 31, and at least 100 percent by June 30. The State-administered defined benefit retirement systems are the Teachers' Pension and Annuity Fund, the Judicial Retirement System, the Prison Officers' Pension Fund, the Public Employees' Retirement System, the Consolidated Police and Firemen's Pension Fund, the Police and Firemen's Retirement System, and the State Police Retirement System. The quarterly payment requirement will commence in State fiscal year 2018, which starts July 1, 2017.

Status: Signed by the Governor on 12/15/16 as P.L. 2016, c. 83.