

## FOP LEGISLATIVE UPDATE FOR JULY 3, 2017: EYE ON TRENTON

The New Jersey State Legislature broke for the Summer at the end of June (other than remaining in Trenton to deal with the unresolved State Budget) with several accomplishments for the New Jersey State FOP, but also with several pieces of FOP priority legislation still pending. Because of a combination of the Summer recess and the upcoming November elections for all 120 State Senate and State Assembly seats, and the State Gubernatorial election, there may be little action in Trenton until the so-called lame duck session which will occur after the November 7<sup>th</sup> election and last until the new Legislature and Governor are sworn into office in January 2018. It is during the lame duck session that most controversial legislation is passed and enacted into law for two reasons: first, out-going legislators and Governors are able to act without fear of future consequences regarding their political futures, and secondly, any controversial action taken by returning legislators will most likely be forgotten by the voters before the next legislative elections two years hence.

The following are key FOP initiated and supported legislation and their status as of July 3<sup>rd</sup>:

Senate Bill No. 3040/Assembly Bill No. 99: Transfers Management of PFRS to Board of Trustees of PFRS. This bill passed in the State Legislature with overwhelming bi-partisan support but was Conditionally Vetoed by the Governor with unacceptable recommendations. The bill would have vested a new Board of Trustees controlled by members of the four public safety unions with all the functions, powers and duties relating to the investment and reinvestment of money in any fund or account under the Board's control, as well as all functions, powers and duties relating to the administration of the PFRS retirement system. The Governor's recommendations would diminish the control of the public safety unions and add a provision capping unused sick time, which has no place being inserted in this bill. For these reasons the FOP and the other public safety unions cannot support the Governor's recommendations and prefer to wait and deal with a new Governor in 2018.

Assembly Bill No. 2690/Senate Bill No. 1944: Expands List of Retired Law Enforcement Officers Eligible to Carry Handguns. This bill also passed in the State legislature with overwhelming bi-partisan support and is awaiting the Governor's signature to become law. It would expand the eligible list to include: State Park Police Officers; Special Agents of the Division of Taxation; Human Services Police Officers; New Jersey Transit Police Officers; University Police Officers employed by institutions of higher education; State Conservation Officers and Palisades Interstate Park Officers.

Assembly Bill No. 4863/Senate Bill No. 3418: Establishes 80 as Maximum Age for Retired Police Officer to Obtain Special Permit to Carry Handgun and Requires Proof of Medical Exam for Officers Age 76 to 80. Currently, retired law enforcement officers may receive a permit to carry a handgun without having to establish "justifiable need" until they have attained the age of 75. In the case of a retired officer who is over 75 years of age this bill requires the initial and renewal applications to include proof that a medical doctor licensed in New Jersey has examined the retired officer to ensure that the officer does not suffer from a physical or mental defect, disease or disability which would make it unsafe for the retired officer to carry a handgun. The examination is to be conducted only by a medical doctor who has

not previously rendered any other services to the retired officer. A-2690 is ready for passage in the Assembly. S- 3418 is in the Senate Law and Public safety Committee.

Senate Bill No. 596/Assembly Bill No. 3422: Establishes Compensation Program for Law Enforcement Officers and Certain Other Employees Injured While Performing Official Duties. This bill was signed into law on July 3, 2017. It covers State Corrections Officers, Juvenile Corrections Officers, Juvenile Detention Officers, Human Services Officers, Palisades Interstate Park Officers, Campus Police Officers appointed by a County College or four year public institution of higher education, Medical Security Officers under the supervision of the department of Human Services and Parole Officers and Park Police and Conservation Officers who, in the course of performing their official duties, suffer bodily injury as the result of a riot or assault by inmates under their custody. Under the law, the injured officer would be entitled to receive his or her full salary for six months, or until workers' compensation payments begin, whichever comes first .

Assembly Bill No. 1329/Senate Bill No. 240: Protects Home Addresses of Law Enforcement Officers from Being Released by Governmental Entities. Currently, this information is considered a government record and is available to the public under the Open Public records Act. The bill would exclude 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. A-1329 passed in the Assembly and is in the Senate Law and Public Safety Committee with S-240.

Assembly Bill No. 3593: Clarifies that Civilian Public Safety Directors of Municipal, County and State Police Departments Do Not Have Police Powers. Assembly Bill No. 3593 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 college and university police, and police departments of State agencies. 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 clarifies that the county prosecutor is authorized to enforce the law in matters relating to the duties of the appropriate authority or civilian chief executive of a county or municipal police force. The Attorney General to is enforce the law in matters relating to the duties of the appropriate authority or civilian chief executive of a State or college or university 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. A-3593 is ready for passage in the Assembly.

Assembly Bill No. 4451/Senate Bill No. 2898: Permits retired Corrections Officers to Be Appointed Class Three Special Law Enforcement officers. P.L. 2016, c. 68 established a new category of "Class Three" SLEO to provide security in the State's public and nonpublic schools and county colleges. A person is eligible to Class Three SLEO if he or she is a retired police officer less than 65 years of age and is physically capable of performing the job and has the appropriate law enforcement and safe schools resource training. This bill adds any retired interstate police officer, State or county corrections officer, juvenile detention officer and any other full time law enforcement officer with full powers of arrest to the eligible list of Class Three SLEO's. A-4451 passed in the Assembly and is in the Senate Law and Public Safety Committee with S-2898.

Assembly Bill No. 3311/Senate Bill No. 3311: Requires Early Retirement Incentive Offer Before Public Safety Department Layoffs in Municipalities in Need of Stabilization and Recovery. This bill requires the State, acting in its oversight capacity with respect to municipalities in need of stabilization and recovery, to offer early retirement incentive programs (ERI), in writing, to public safety department employees prior to those employees being subject to a layoff plan. The bill removes provisions of current law that require a municipality is not required to pay interest on the amount of its liability to the retirement system that it elects to pay through annual installment payments as a result of a retirement incentive program, and also reduces from 15 years to 10 years the maximum allowable period over which the municipality must pay the liability to the retirement system. A-3311 is ready for passage in the Assembly. S-3311 is ready for passage in the Senate.

Assembly Bill No. 230/Senate Bill No. 91: Immunizes from Civil Liability First Responders Who Forcibly Enter Property to provide Emergency Services.

This bill provides compensated and volunteer public and private first responders, including emergency medical services personnel, law enforcement officers, and firefighters, with immunity from civil liability for any damages that may result from a forcible entry into a home, business, or other structure at which an emergency is reported. This immunity applies only where the first responder's decision is based upon a good faith belief that forcible entry is necessary to provide emergency medical care or to prevent imminent bodily harm and where no occupant of the property responds to the first responder's requests for entry within a reasonable period of time. This bill is intended to address situations where an individual is in need of emergency assistance, but is unable to either physically or verbally grant entry

into the property; such an individual may go without care due to potential liability concerns of the first responders. A-230 passed in the Assembly and is in the Senate Judiciary Committee along with S-91.

Assembly Bill No. 1114: Requires School Districts to provide Instruction on Interacting With law Enforcement as Part of New Jersey Student Learning Standards. This bill requires school districts to provide instruction on interacting with law enforcement in a manner marked by mutual cooperation and respect, and on the rights of individuals when interacting with a law enforcement official, as part of the implementation of the New Jersey Student Learning Standards in Social Studies, beginning with the 2018-2019 school year. The instruction must provide students with information on: the role and responsibilities of a law enforcement official in providing for public safety; an individual's responsibilities to comply with a directive from a law enforcement official; and an individual's rights under law in interacting with a law enforcement official. The bill directs the Commissioner of Education to appoint an advisory committee (including a representative of the FOP) to assist in the development of a curriculum for the implementation of the instructional requirement, and details the organizations that are to serve on the advisory committee. The bill specifies that the curriculum must consist of two parts, with one part that includes age-appropriate instruction for students enrolled in grades kindergarten through four, and one part designed for the more rigorous instruction of students enrolled in grades five through 12. The bill passed in the Assembly and is in the Senate Education Committee.