

SENATE, No. 950

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED FEBRUARY 9, 2004

Sponsored by:

Senator PAUL SARLO

District 36 (Bergen, Essex and Passaic)

SYNOPSIS

Expands jurisdiction of municipal arson investigators.

CURRENT VERSION OF TEXT

As introduced.



S950 SARLO

2

1 AN ACT concerning municipal arson investigators and amending
2 N.J.S2C:39-6 and P.L.1981, c.409.

3

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

6

7 1. N.J.S.2C:39-6 is amended to read as follows:

8 2C:39-6. a. Provided a person complies with the requirements of
9 subsection j. of this section, N.J.S.2C:39-5 does not apply to:

10 (1) Members of the Armed Forces of the United States or of the
11 National Guard while actually on duty, or while traveling between
12 places of duty and carrying authorized weapons in the manner
13 prescribed by the appropriate military authorities;

14 (2) Federal law enforcement officers, and any other federal officers
15 and employees required to carry firearms in the performance of their
16 official duties;

17 (3) Members of the State Police and, under conditions prescribed
18 by the superintendent, members of the Marine Law Enforcement
19 Bureau of the Division of State Police;

20 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
21 assistant prosecutor, prosecutor's detective or investigator, deputy
22 attorney general or State investigator employed by the Division of
23 Criminal Justice of the Department of Law and Public Safety,
24 investigator employed by the State Commission of Investigation,
25 inspector of the Alcoholic Beverage Control Enforcement Bureau of
26 the Division of State Police in the Department of Law and Public
27 Safety authorized to carry such weapons by the Superintendent of
28 State Police, State park ranger, or State conservation officer;

29 (5) A prison or jail warden of any penal institution in this State or
30 his deputies, or an employee of the Department of Corrections
31 engaged in the interstate transportation of convicted offenders, while
32 in the performance of his duties, and when required to possess the
33 weapon by his superior officer, or a correction officer or keeper of a
34 penal institution in this State at all times while in the State of New
35 Jersey, provided he annually passes an examination approved by the
36 superintendent testing his proficiency in the handling of firearms;

37 (6) A civilian employee of the United States Government under the
38 supervision of the commanding officer of any post, camp, station, base
39 or other military or naval installation located in this State who is
40 required, in the performance of his official duties, to carry firearms,
41 and who is authorized to carry such firearms by said commanding
42 officer, while in the actual performance of his official duties;

43 (7) (a) A regularly employed member, including a detective, of the

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 police department of any county or municipality, or of any State,
2 interstate, municipal or county park police force or boulevard police
3 force, at all times while in the State of New Jersey;

4 (b) A special law enforcement officer authorized to carry a weapon
5 as provided in subsection b. of section 7 of P.L.1985, c.439
6 (C.40A:14-146.14);

7 (c) An airport security officer or a special law enforcement officer
8 appointed by the governing body of any county or municipality, except
9 as provided in subsection (b) of this section, or by the commission,
10 board or other body having control of a county park or airport or
11 boulevard police force, while engaged in the actual performance of his
12 official duties and when specifically authorized by the governing body
13 to carry weapons;

14 (8) (a) A full-time, paid member of a paid or part-paid fire
15 department or force of any municipality who is assigned full-time or
16 part-time to an arson investigation unit created pursuant to section 1
17 of P.L.1981, c.409 (C.40A:14-7.1) [or], at all times in the State of
18 New Jersey.

19 (b) A full-time, paid member of a paid or part-paid fire department
20 or force of any municipality who is assigned full-time or part-time to
21 the county arson investigation unit in the county prosecutor's office,
22 while either engaged in the actual performance of arson investigation
23 duties or while actually on call to perform arson investigation duties
24 and when specifically authorized by [the governing body or] the
25 county prosecutor[, as the case may be,] to carry weapons.

26 (c) Prior to being permitted to carry a firearm, [such] a member
27 described in subparagraph (a) or (b) of this paragraph shall take and
28 successfully complete a firearms training course administered by the
29 Police Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66
30 et seq.), and shall annually qualify in the use of a revolver or similar
31 weapon prior to being permitted to carry a firearm;

32 (9) A juvenile corrections officer in the employment of the Juvenile
33 Justice Commission established pursuant to section 2 of P.L.1995,
34 c.284 (C.52:17B-170) subject to the regulations promulgated by the
35 commission;

36 (10) A designated employee or designated licensed agent for a
37 nuclear power plant under license of the Nuclear Regulatory
38 Commission, while in the actual performance of his official duties, if
39 the federal licensee certifies that the designated employee or
40 designated licensed agent is assigned to perform site protection, guard,
41 armed response or armed escort duties and is appropriately trained and
42 qualified, as prescribed by federal regulation, to perform those duties.
43 Any firearm utilized by an employee or agent for a nuclear power plant
44 pursuant to this paragraph shall be returned each day at the end of the
45 employee's or agent's authorized official duties to the employee's or
46 agent's supervisor. All firearms returned each day pursuant to this

1 paragraph shall be stored in locked containers located in a secure area.

2 b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:

3 (1) A law enforcement officer employed by a governmental agency
4 outside of the State of New Jersey while actually engaged in his
5 official duties, provided, however, that he has first notified the
6 superintendent or the chief law enforcement officer of the municipality
7 or the prosecutor of the county in which he is engaged; or

8 (2) A licensed dealer in firearms and his registered employees
9 during the course of their normal business while traveling to and from
10 their place of business and other places for the purpose of
11 demonstration, exhibition or delivery in connection with a sale,
12 provided, however, that the weapon is carried in the manner specified
13 in subsection g. of this section.

14 c. Provided a person complies with the requirements of subsection
15 j. of this section, subsections b. and c. of N.J.S.2C:39-5 do not apply
16 to:

17 (1) A special agent of the Division of Taxation who has passed an
18 examination in an approved police training program testing proficiency
19 in the handling of any firearm which he may be required to carry, while
20 in the actual performance of his official duties and while going to or
21 from his place of duty, or any other police officer, while in the actual
22 performance of his official duties;

23 (2) A State deputy conservation officer or a full-time employee of
24 the Division of Parks and Forestry having the power of arrest and
25 authorized to carry weapons, while in the actual performance of his
26 official duties;

27 (3) (Deleted by amendment, P.L.1986, c.150.)

28 (4) A court attendant serving as such under appointment by the
29 sheriff of the county or by the judge of any municipal court or other
30 court of this State, while in the actual performance of his official
31 duties;

32 (5) A guard in the employ of any railway express company,
33 banking or building and loan or savings and loan institution of this
34 State, while in the actual performance of his official duties;

35 (6) A member of a legally recognized military organization while
36 actually under orders or while going to or from the prescribed place
37 of meeting and carrying the weapons prescribed for drill, exercise or
38 parade;

39 (7) An officer of the Society for the Prevention of Cruelty to
40 Animals, while in the actual performance of his duties;

41 (8) An employee of a public utilities corporation actually engaged
42 in the transportation of explosives;

43 (9) A railway policeman, except a transit police officer of the New
44 Jersey Transit Police Department, at all times while in the State of
45 New Jersey, provided that he has passed an approved police academy
46 training program consisting of at least 280 hours. The training

1 program shall include, but need not be limited to, the handling of
2 firearms, community relations, and juvenile relations;

3 (10) A campus police officer appointed under P.L.1970, c.211
4 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry a
5 firearm, a campus police officer shall take and successfully complete
6 a firearms training course administered by the Police Training
7 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
8 shall annually qualify in the use of a revolver or similar weapon prior
9 to being permitted to carry a firearm;

10 (11) (Deleted by amendment, P.L.2003, c.168).

11 (12) A transit police officer of the New Jersey Transit Police
12 Department, at all times while in the State of New Jersey, provided the
13 officer has satisfied the training requirements of the Police Training
14 Commission, pursuant to subsection c. of section 2 of P.L.1989, c.291
15 (C.27:25-15.1);

16 (13) A parole officer employed by the State Parole Board at all
17 times. Prior to being permitted to carry a firearm, a parole officer
18 shall take and successfully complete a basic course for regular police
19 officer training administered by the Police Training Commission,
20 pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually
21 qualify in the use of a revolver or similar weapon prior to being
22 permitted to carry a firearm;

23 (14) A Human Services police officer at all times while in the State
24 of New Jersey, as authorized by the Commissioner of Human Services;

25 (15) A person or employee of any person who, pursuant to and as
26 required by a contract with a governmental entity, supervises or
27 transports persons charged with or convicted of an offense;

28 (16) A housing authority police officer appointed under P.L.1997,
29 c.210 (C.40A:14-146.19 et al.) at all times while in the State of New
30 Jersey; or

31 (17) A probation officer assigned to the "Probation Officer
32 Community Safety Unit" created by section 2 of P.L.2001, c.362
33 (C.2B:10A-2) while in the actual performance of the probation
34 officer's official duties. Prior to being permitted to carry a firearm, a
35 probation officer shall take and successfully complete a basic course
36 for regular police officer training administered by the Police Training
37 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
38 shall annually qualify in the use of a revolver or similar weapon prior
39 to being permitted to carry a firearm.

40 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
41 antique firearms, provided that such antique firearms are unloaded or
42 are being fired for the purposes of exhibition or demonstration at an
43 authorized target range or in such other manner as has been approved
44 in writing by the chief law enforcement officer of the municipality in
45 which the exhibition or demonstration is held, or if not held on
46 property under the control of a particular municipality, the

1 superintendent.

2 (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of
3 N.J.S.2C:39-5 do not apply to an antique cannon that is capable of
4 being fired but that is unloaded and immobile, provided that the
5 antique cannon is possessed by (a) a scholastic institution, a museum,
6 a municipality, a county or the State, or (b) a person who obtained a
7 firearms purchaser identification card as specified in N.J.S.2C:58-3.

8 (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of
9 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is
10 being transported by one eligible to possess it, in compliance with
11 regulations the superintendent may promulgate, between its permanent
12 location and place of purchase or repair.

13 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of
14 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded
15 or fired by one eligible to possess an antique cannon, for purposes of
16 exhibition or demonstration at an authorized target range or in the
17 manner as has been approved in writing by the chief law enforcement
18 officer of the municipality in which the exhibition or demonstration is
19 held, or if not held on property under the control of a particular
20 municipality, the superintendent, provided that performer has given at
21 least 30 days' notice to the superintendent.

22 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
23 N.J.S.2C:39-5 do not apply to the transportation of unloaded antique
24 cannons directly to or from exhibitions or demonstrations authorized
25 under paragraph (4) of subsection d. of this section, provided that the
26 transportation is in compliance with safety regulations the
27 superintendent may promulgate. Nor do those subsections apply to
28 transportation directly to or from exhibitions or demonstrations
29 authorized under the law of another jurisdiction, provided that the
30 superintendent has been given 30 days' notice and that the
31 transportation is in compliance with safety regulations the
32 superintendent may promulgate.

33 e. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be
34 construed to prevent a person keeping or carrying about his place of
35 business, residence, premises or other land owned or possessed by
36 him, any firearm, or from carrying the same, in the manner specified
37 in subsection g. of this section, from any place of purchase to his
38 residence or place of business, between his dwelling and his place of
39 business, between one place of business or residence and another when
40 moving, or between his dwelling or place of business and place where
41 such firearms are repaired, for the purpose of repair. For the purposes
42 of this section, a place of business shall be deemed to be a fixed
43 location.

44 f. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be
45 construed to prevent:

46 (1) A member of any rifle or pistol club organized in accordance

1 with the rules prescribed by the National Board for the Promotion of
2 Rifle Practice, in going to or from a place of target practice, carrying
3 such firearms as are necessary for said target practice, provided that
4 the club has filed a copy of its charter with the superintendent and
5 annually submits a list of its members to the superintendent and
6 provided further that the firearms are carried in the manner specified
7 in subsection g. of this section;

8 (2) A person carrying a firearm or knife in the woods or fields or
9 upon the waters of this State for the purpose of hunting, target
10 practice or fishing, provided that the firearm or knife is legal and
11 appropriate for hunting or fishing purposes in this State and he has in
12 his possession a valid hunting license, or, with respect to fresh water
13 fishing, a valid fishing license;

14 (3) A person transporting any firearm or knife while traveling:

15 (a) Directly to or from any place for the purpose of hunting or
16 fishing, provided the person has in his possession a valid hunting or
17 fishing license; or

18 (b) Directly to or from any target range, or other authorized place
19 for the purpose of practice, match, target, trap or skeet shooting
20 exhibitions, provided in all cases that during the course of the travel
21 all firearms are carried in the manner specified in subsection g. of this
22 section and the person has complied with all the provisions and
23 requirements of Title 23 of the Revised Statutes and any amendments
24 thereto and all rules and regulations promulgated thereunder; or

25 (c) In the case of a firearm, directly to or from any exhibition or
26 display of firearms which is sponsored by any law enforcement agency,
27 any rifle or pistol club, or any firearms collectors club, for the purpose
28 of displaying the firearms to the public or to the members of the
29 organization or club, provided, however, that not less than 30 days
30 prior to the exhibition or display, notice of the exhibition or display
31 shall be given to the Superintendent of the State Police by the
32 sponsoring organization or club, and the sponsor has complied with
33 such reasonable safety regulations as the superintendent may
34 promulgate. Any firearms transported pursuant to this section shall be
35 transported in the manner specified in subsection g. of this section;

36 (4) A person from keeping or carrying about a private or
37 commercial aircraft or any boat, or from transporting to or from such
38 vessel for the purpose of installation or repair a visual distress
39 signalling device approved by the United States Coast Guard.

40 g. All weapons being transported under paragraph (2) of
41 subsection b., subsection e., or paragraph (1) or (3) of subsection f. of
42 this section shall be carried unloaded and contained in a closed and
43 fastened case, gunbox, securely tied package, or locked in the trunk of
44 the automobile in which it is being transported, and in the course of
45 travel shall include only such deviations as are reasonably necessary
46 under the circumstances.

1 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to
2 prevent any employee of a public utility, as defined in R.S.48:2-13,
3 doing business in this State or any United States Postal Service
4 employee, while in the actual performance of duties which specifically
5 require regular and frequent visits to private premises, from
6 possessing, carrying or using any device which projects, releases or
7 emits any substance specified as being noninjurious to canines or other
8 animals by the Commissioner of Health and Senior Services and which
9 immobilizes only on a temporary basis and produces only temporary
10 physical discomfort through being vaporized or otherwise dispensed
11 in the air for the sole purpose of repelling canine or other animal
12 attacks.

13 The device shall be used solely to repel only those canine or other
14 animal attacks when the canines or other animals are not restrained in
15 a fashion sufficient to allow the employee to properly perform his
16 duties.

17 Any device used pursuant to this act shall be selected from a list of
18 products, which consist of active and inert ingredients, permitted by
19 the Commissioner of Health and Senior Services.

20 i. Nothing in N.J.S.2C:39-5 shall be construed to prevent any
21 person who is 18 years of age or older and who has not been convicted
22 of a felony, from possession for the purpose of personal self-defense
23 of one pocket-sized device which contains and releases not more than
24 three-quarters of an ounce of chemical substance not ordinarily
25 capable of lethal use or of inflicting serious bodily injury, but rather,
26 is intended to produce temporary physical discomfort or disability
27 through being vaporized or otherwise dispensed in the air. Any person
28 in possession of any device in violation of this subsection shall be
29 deemed and adjudged to be a disorderly person, and upon conviction
30 thereof, shall be punished by a fine of not less than \$100.00.

31 j. A person shall qualify for an exemption from the provisions of
32 N.J.S.2C:39-5, as specified under subsections a. and c. of this section,
33 if the person has satisfactorily completed a firearms training course
34 approved by the Police Training Commission.

35 Such exempt person shall not possess or carry a firearm until the
36 person has satisfactorily completed a firearms training course and shall
37 annually qualify in the use of a revolver or similar weapon. For
38 purposes of this subsection, a "firearms training course" means a
39 course of instruction in the safe use, maintenance and storage of
40 firearms which is approved by the Police Training Commission. The
41 commission shall approve a firearms training course if the
42 requirements of the course are substantially equivalent to the
43 requirements for firearms training provided by police training courses
44 which are certified under section 6 of P.L.1961, c.56 (C.52:17B-71).
45 A person who is specified in paragraph (1), (2), (3) or (6) of
46 subsection a. of this section shall be exempt from the requirements of

1 this subsection.

2 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to
3 prevent any financial institution, or any duly authorized personnel of
4 the institution, from possessing, carrying or using for the protection of
5 money or property, any device which projects, releases or emits tear
6 gas or other substances intended to produce temporary physical
7 discomfort or temporary identification.

8 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed to
9 prevent a law enforcement officer who retired in good standing,
10 including a retirement because of a disability pursuant to section 6 of
11 P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
12 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1) or any
13 substantially similar statute governing the disability retirement of
14 federal law enforcement officers, provided the officer was a regularly
15 employed, full-time law enforcement officer for an aggregate of five
16 or more years prior to his disability retirement and further provided
17 that the disability which constituted the basis for the officer's
18 retirement did not involve a certification that the officer was mentally
19 incapacitated for the performance of his usual law enforcement duties
20 and any other available duty in the department which his employer was
21 willing to assign to him or does not subject that retired officer to any
22 of the disabilities set forth in subsection c. of N.J.S.2C:58-3 which
23 would disqualify the retired officer from possessing or carrying a
24 firearm, who semi-annually qualifies in the use of the handgun he is
25 permitted to carry in accordance with the requirements and procedures
26 established by the Attorney General pursuant to subsection j. of this
27 section and pays the actual costs associated with those semi-annual
28 qualifications, who is less than 70 years of age, and who was regularly
29 employed as a full-time member of the State Police; a full-time
30 member of an interstate police force; a full-time member of a county
31 or municipal police department in this State; a full-time member of a
32 State law enforcement agency; a full-time sheriff, undersheriff or
33 sheriff's officer of a county of this State; a full-time State or county
34 corrections officer; a full-time county park police officer; a full-time
35 county prosecutor's detective or investigator; or a full-time federal law
36 enforcement officer from carrying a handgun in the same manner as
37 law enforcement officers exempted under paragraph (7) of subsection
38 a. of this section under the conditions provided herein:

39 (1) The retired law enforcement officer, within six months after
40 retirement, shall make application in writing to the Superintendent of
41 State Police for approval to carry a handgun for one year. An
42 application for annual renewal shall be submitted in the same manner.

43 (2) Upon receipt of the written application of the retired law
44 enforcement officer, the superintendent shall request a verification of
45 service from the chief law enforcement officer of the organization in
46 which the retired officer was last regularly employed as a full-time law

1 enforcement officer prior to retiring. The verification of service shall
2 include:

- 3 (a) The name and address of the retired officer;
- 4 (b) The date that the retired officer was hired and the date that the
5 officer retired;
- 6 (c) A list of all handguns known to be registered to that officer;
- 7 (d) A statement that, to the reasonable knowledge of the chief law
8 enforcement officer, the retired officer is not subject to any of the
9 restrictions set forth in subsection c. of N.J.S.2C:58-3; and
- 10 (e) A statement that the officer retired in good standing.

11 (3) If the superintendent approves a retired officer's application or
12 reapplication to carry a handgun pursuant to the provisions of this
13 subsection, the superintendent shall notify in writing the chief law
14 enforcement officer of the municipality wherein that retired officer
15 resides. In the event the retired officer resides in a municipality which
16 has no chief law enforcement officer or law enforcement agency, the
17 superintendent shall maintain a record of the approval.

18 (4) The superintendent shall issue to an approved retired officer an
19 identification card permitting the retired officer to carry a handgun
20 pursuant to this subsection. This identification card shall be valid for
21 one year from the date of issuance and shall be valid throughout the
22 State. The identification card shall not be transferable to any other
23 person. The identification card shall be carried at all times on the
24 person of the retired officer while the retired officer is carrying a
25 handgun. The retired officer shall produce the identification card for
26 review on the demand of any law enforcement officer or authority.

27 (5) Any person aggrieved by the denial of the superintendent of
28 approval for a permit to carry a handgun pursuant to this subsection
29 may request a hearing in the Superior Court of New Jersey in the
30 county in which he resides by filing a written request for such a
31 hearing within 30 days of the denial. Copies of the request shall be
32 served upon the superintendent and the county prosecutor. The
33 hearing shall be held within 30 days of the filing of the request, and no
34 formal pleading or filing fee shall be required. Appeals from the
35 determination of such a hearing shall be in accordance with law and
36 the rules governing the courts of this State.

37 (6) A judge of the Superior Court may revoke a retired officer's
38 privilege to carry a handgun pursuant to this subsection for good cause
39 shown on the application of any interested person. A person who
40 becomes subject to any of the disabilities set forth in subsection c. of
41 N.J.S.2C:58-3 shall surrender, as prescribed by the superintendent, his
42 identification card issued under paragraph (4) of this subsection to the
43 chief law enforcement officer of the municipality wherein he resides or
44 the superintendent, and shall be permanently disqualified to carry a
45 handgun under this subsection.

46 (7) The superintendent may charge a reasonable application fee to

1 retired officers to offset any costs associated with administering the
2 application process set forth in this subsection.

3 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to
4 prevent duly authorized personnel of the New Jersey Division of Fish
5 and Wildlife, while in the actual performance of duties, from
6 possessing, transporting or using any device that projects, releases or
7 emits any substance specified as being non-injurious to wildlife by the
8 Director of the Division of Animal Health in the Department of
9 Agriculture, and which may immobilize wildlife and produces only
10 temporary physical discomfort through being vaporized or otherwise
11 dispensed in the air for the purpose of repelling bear or other animal
12 attacks or for the aversive conditioning of wildlife.

13 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall be
14 construed to prevent duly authorized personnel of the New Jersey
15 Division of Fish and Wildlife, while in the actual performance of
16 duties, from possessing, transporting or using hand held pistol-like
17 devices, rifles or shotguns that launch pyrotechnic missiles for the sole
18 purpose of frightening, hazing or aversive conditioning of nuisance or
19 depredating wildlife; from possessing, transporting or using rifles,
20 pistols or similar devices for the sole purpose of chemically
21 immobilizing wild or non-domestic animals; or, provided the duly
22 authorized person complies with the requirements of subsection j. of
23 this section, from possessing, transporting or using rifles or shotguns,
24 upon completion of a Police Training Commission approved training
25 course, in order to dispatch injured or dangerous animals or for
26 non-lethal use for the purpose of frightening, hazing or aversive
27 conditioning of nuisance or depredating wildlife.

28 (cf: P.L.2003, c.168, s.2)

29

30 2. Section 1 of P.L.1981, c.409 (C.40A:14-7.1) is amended to
31 read as follows:

32 1. a. The governing body of any municipality which has established
33 a paid or part-paid fire department or force may, by ordinance, create
34 an arson investigation unit within the fire department or force and
35 provide for the maintenance, regulation and control thereof. The
36 arson investigation unit shall be responsible for conducting
37 investigations of arson, suspicious fires or explosions within the
38 municipality.

39 b. Only full-time, paid members of a paid or part-paid fire
40 department or force may be assigned to an arson investigation unit
41 created pursuant to this section. Before any member shall be assigned
42 to an arson investigation unit, he shall have successfully completed an
43 appropriate course of training approved by the Police Training
44 Commission and an arson investigation training course approved by
45 the Department of Law and Public Safety.

46 c. Any member of a fire department or force who is assigned to an

1 arson investigation unit pursuant to this section shall attend and
2 successfully complete in-service training programs as required by the
3 Division of Criminal Justice.

4 d. Any full-time, paid member of a fire department or force who is
5 assigned full-time or part-time to an arson investigation unit pursuant
6 to this section shall have the same powers and authority of police
7 officers [within the municipality while engaged in the actual
8 performance of arson investigation duties] while on or off duty
9 anywhere within the territorial limits of the State.

10 e. [No more than one member of a fire department of a
11 municipality having a population of 50,000 or less according to the
12 latest federal decennial census may be assigned to an arson
13 investigation unit on a part-time basis.] Deleted by amendment.

14 P.L. . . . , c. . . .

15 (cf: P.L.1985, c.150, s.2)

16

17 3. This act shall take effect on the first day of the sixth month after
18 enactment.

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20

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STATEMENT

22

23 This bill would expand the jurisdiction of municipal arson
24 investigators by granting them the same powers and authority
25 possessed by police officers when the investigators are anywhere
26 within the territorial limits of the State, whether on or off duty.
27 Currently, these arson investigators are limited to exercising such
28 police powers within their municipality and only while engaged in the
29 actual performance of arson investigation duties.

30 The bill also would permit municipal arson investigators to carry a
31 firearm at all times in the State. Under current law, municipal arson
32 investigators authorized by the governing body of the municipality to
33 carry firearms may do so only when they are engaged in the actual
34 performance of arson investigation duties or are on call to perform
35 these duties. Municipal arson investigators are required to
36 successfully complete a firearms training course and must annually
37 qualify in the use of a firearm.

38 Under the bill, municipal arson investigators would be empowered
39 to execute arrests beyond the borders of the municipality in which they
40 are employed. The bill also would enable these investigators to
41 protect themselves at all times, not just when they are on duty.

42 Finally, the bill removes the provision limiting municipalities with
43 a population of 50,000 or less to assigning no more than one member
44 of a fire department to an arson unit on a part-time basis.