

CHAPTER 65
(CORRECTED COPY)

AN ACT concerning licensing of law enforcement officers by the Police Training Commission, amending, supplementing, and repealing various parts of the statutory law, and making an appropriation.

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

1. Section 1 of P.L.1961, c.56 (C.52:17B-66) is amended to read as follows:

C.52:17B-66 Findings, declarations.

1. The Legislature of New Jersey hereby finds and declares that a serious need for improvement in the administration of local and county law enforcement exists in order to better protect the health, safety and welfare of its citizens; that police work, a basic adjunct of law enforcement administration, is professional in nature, and requires proper educational and clinical training in a State whose population is increasing in relation to its physical area, and in a society where greater reliance on better law enforcement through higher standards of efficiency is of paramount need; that the present need for improvement can be substantially met by the creation of a compulsory educational and training program for persons who seek to become permanent law enforcement officers wherein such persons will be required, while serving in a probationary capacity prior to permanent appointment, to receive efficient training in this profession provided at facilities selected, approved and inspected by a commission created for such purpose; and that by qualifying and becoming proficient in the field of law enforcement such persons shall individually and collectively better insure the health, safety and welfare of the citizens of this State in their respective communities.

The Legislature further finds and declares that, in addition to providing proper educational and clinical training to law enforcement officers in this State, it is also important, in order to help protect the health, safety, and welfare of its citizens, that appropriately situated State authorities are accorded the ability and responsibility to monitor and take appropriate action against any law enforcement officer who acts outside the bounds of professionalism or engages in illegal or improper conduct. Professional licensure provides the means to help ensure that those individuals who serve as law enforcement officers in this State uphold the public trust by meeting and maintaining appropriately high standards of training and professionalism, in qualifying for the positions, and in performing the duties. Therefore, it is necessary and appropriate to establish a Statewide licensure system, through which the Police Training Commission will promulgate and apply uniform standards of professional conduct by law enforcement officers, establish minimum standards for licensure, review and take action on initial and renewal applications of applicants and law enforcement officers and applicants who meet those standards, and deny, revoke, or suspend licenses due to failure to meet or maintain those standards.

Nothing in this act is intended to limit in any manner the powers and authority granted to the Attorney General as the chief law enforcement officer of the State pursuant to the Criminal Justice Act of 1970, P.L.1970, c.74 (C.52:17B-97 et seq.).

2. Section 2 of P.L.1961, c.56 (C.52:17B-67) is amended to read as follows:

C.52:17B-67 Definitions.

2. As used in this act:

“Applicant” means an individual who applies to the Police Training Commission to become licensed as a law enforcement officer in accordance with P.L.2022, c.65 (C.52:17B-71a et al.).

"Approved school" shall mean a school approved and authorized by the Police Training Commission to give police training courses or a training course for State and county correctional police officers and juvenile detention officers as prescribed in this act.

"Commission" shall mean the Police Training Commission or officers or employees thereof acting on its behalf.

"County" shall mean any county which within its jurisdiction has or shall have a law enforcement unit as defined in this act.

"Discipline subject to appeal" means a removal, disciplinary demotion, suspension, or fine of more than five days, or fewer where the aggregate number of days the employee was suspended or fined in any one calendar year is 15 or more days, or where the employee received more than three suspensions or fines of five days or fewer in one calendar year.

"Law enforcement officer" means any person who is employed as a sworn member of any State, county, or municipal law enforcement agency, department, division, or instrumentality 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 the State. This term shall include, but is not limited to, sworn members of the New Jersey State Police, the Division of Criminal Justice, and the Juvenile Justice Commission; State correctional police officers pursuant to section 1 of P.L.1968, c.427 (C.2A:154-4); county correctional police officers pursuant to N.J.S.2A:154-3; State Parole officers pursuant to section 1 of P.L.1968, c.427 (C.2A:154-4); special law enforcement officers of all classes pursuant to P.L.1985, c.439 (C.40A:14-146.8 et seq.); humane law enforcement officers appointed pursuant to section 25 of P.L.2017, c.331 (C.4:22-14.1) or section 28 of P.L.2017, c.331 (C.4:22-14.4); transit police officers appointed by New Jersey Transit pursuant to section 2 of P.L.1989 c.291 (C.27:25-15.1); and campus police officers appointed pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.).

"Law enforcement unit" shall mean any State, county or municipal law enforcement agency, department, division, or instrumentality of such government that is statutorily empowered to act for the detection, investigation, arrest, conviction, detention, or rehabilitation of persons violating the criminal laws of the State, and shall include all agencies that employ law enforcement officers as defined in this section.

"Licensing committee" means the committee established by the Police Training Commission to perform duties with respect to law enforcement officer licensing as set forth in subsection c. of section 9 of P.L.2022, c.65 (C.52:17B-71a).

"Municipality" shall mean a city of any class, township, borough, village, or any other type of municipality in this State which, within its jurisdiction, has or shall have a law enforcement unit as defined in this act.

"National Decertification Index" shall mean the national registry of law enforcement officer decertification or license revocations maintained by the International Association of Directors of Law Enforcement Standards and Training, or a successor database.

"Permanent appointment" shall mean an appointment having permanent status as a law enforcement officer in a law enforcement unit as prescribed by Title 11A of the New Jersey Statutes, Civil Service Commission Rules and Regulations, or of any other law of this State, municipal ordinance, or rules and regulations adopted thereunder.

"Police training course" means a training course approved by the Police Training Commission and conducted at an approved school.

"Probationary law enforcement license" means a license issued by the Police Training Commission to a person appointed by a law enforcement unit on a probationary or temporary

basis which authorizes the person to perform the functions of a permanent law enforcement officer during the person's probationary or temporary appointment term.

"Sustained finding" shall mean a determination by an employing law enforcement unit that a law enforcement officer violated a law; regulation; directive, guideline, policy, or procedure issued by the Attorney General or County Prosecutor; agency protocol; standing operating procedure; rule; or training.

3. Section 3 of P.L.1961, c.56 (C.52:17B-68) is amended to read as follows:

C.52:17B-68 Authority to require training of policemen prior to permanent appointment; exception.

3. a. Every State, county, and municipal agency, with the exception of the New Jersey State Police, that employs law enforcement officers as defined in section 2 of P.L.1961, c.56 (C.52:17B-67), as applicable, shall authorize attendance at an approved school by persons holding a probationary appointment as a law enforcement officer, and every agency shall require that no person shall hereafter be given or accept a permanent appointment as a law enforcement officer unless such person has successfully completed a police training course at an approved school; provided, however, that the commission may, in its discretion, except from the requirements of this section any person who demonstrates to the commission's satisfaction that the person has successfully completed a police training course conducted by any Federal, State or other public or private agency, the requirements of which are substantially equivalent to the requirements of this act.

b. A law enforcement officer who is terminated from an agency for reasons of economy or efficiency shall be granted an exemption or waiver from retaking the basic training course if, within three years from the date of termination, the law enforcement officer is appointed to a similar law enforcement position in another agency or is reemployed by the agency from which the officer was terminated.

4. Section 4 of P.L.1961, c.56 (C.52:17B-69) is amended to read as follows:

C.52:17B-69 Probationary, temporary appointment of police officer.

4. a. Notwithstanding the provisions of R.S.11:2-6, a probationary or temporary appointment as a law enforcement officer may be made for a total period not exceeding one year for the purpose of enabling a person seeking permanent appointment to take a police training course as prescribed in this act, provided, however, that the time period may exceed one year for those persons enrolled prior to the one-year limit in a police training course scheduled to end subsequent to the one-year limit, and for those persons who, prior to the one-year limit, have been scheduled to attend a police training course which commences subsequent to the one-year limit. In no case shall any extension granted for the reasons herein listed exceed six months. Every person holding such a probationary or temporary appointment shall enroll in a police training course, and such appointee shall be entitled to a leave of absence with pay during the period of the police training course.

b. A person holding a probationary or temporary appointment on the effective date of P.L.2022, c.65 (C.52:17B-71a et al.) shall not be permitted to continue in the probationary or temporary appointment beyond one year after the effective date of P.L.2022, c.65 (C.52:17B-71a et al.) unless the person enrolls in or completes a basic training course approved by the commission.

c. A person appointed on a probationary or temporary basis on or after the effective date of P.L.2022, c.65 (C.52:17B-71a et al.) shall not perform the functions or duties of a permanently appointed law enforcement officer unless the person completes a basic training course approved by the commission. Upon successful completion of the basic training course, a person appointed on a probationary or temporary basis on or after the effective date of P.L.2022, c.65 (C.52:17B-71a et al.) shall receive from the commission a one-year probationary law enforcement license, as defined in section 2 of P.L.1961, c.56 (C.52:17B-67), and the person shall be permitted to perform full police functions or duties during the person's probationary or temporary appointment.

d. Upon successful completion of a probationary or temporary appointment, a person may apply for licensure as a permanent law enforcement officer in a manner prescribed by the commission pursuant to P.L.2022, c.65 (C.52:17B-71a et al.). The probationary license shall remain in force and effect until the commission acts upon the application for licensure as a permanent law enforcement officer.

5. Section 2 of P.L.1998, c.146 (C.52:17B-69.1) is amended to read as follows:

C.52:17B-69.1 Enrollment in police training course for persons seeking probationary, temporary appointment.

2. a. A person who does not hold a probationary or temporary appointment as a law enforcement officer, but who is seeking such an appointment may enroll in a police training course provided that person:

(1) meets the general qualifications for a police officer set forth in N.J.S.40A:14-122 and such other qualifications as the commission may deem appropriate; and

(2) applies to and is accepted by a commission approved school for admission to a police training course.

The person may be charged a fee by the commission or approved school, as the case may be, not exceeding that which the commission approved school charges a governmental employer for the training of an employee holding a probationary or temporary appointment.

An appointing authority may, at its discretion, reimburse a person who has completed a police training course pursuant to this section for all or part of the costs of training.

b. The commission, in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall promulgate rules and regulations to effectuate the purposes of this section.

6. Section 3 of P.L.1998, c.146 (C.52:17B-69.2) is amended to read as follows:

C.52:17B-69.2 Eligibility for appointment.

3. A person who completes a police training course pursuant to section 2 of P.L.1998, c.146 (C.52:17B-69.1) shall only be eligible for appointment as a permanent full-time member of a law enforcement unit or as a Class Two Special Law Enforcement Officer pursuant to section 4 of P.L.1985, c.439 (C.40A:14-146.11).

7. Section 5 of P.L.1961, c.56 (C.52:17B-70) is amended to read as follows:

C.52:17B-70 Police training commission established; members; terms.

5. There is hereby established in the Division of Criminal Justice in the Department of Law and Public Safety a Police Training Commission whose membership shall consist of the following persons:

a. Four citizens of this State who shall be appointed by the Governor with the advice and consent of the Senate for terms of three years.

b. The president or other representative designated in accordance with the bylaws of each of the following organizations: the New Jersey State Association of Chiefs of Police; the New Jersey State Policemen's Benevolent Association, Inc.; the New Jersey State League of Municipalities; the New Jersey State Lodge, Fraternal Order of Police; the State Troopers Fraternal Association of New Jersey; the County Prosecutors' Association of New Jersey; the Sheriffs' Association of New Jersey; the Police Academy Directors Association; the New Jersey County Jail Wardens Association; the New Jersey Juvenile Detention Association; and the National Organization of Black Law Enforcement Executives.

c. The Attorney General, the Superintendent of State Police, the Commissioner of Education, the Commissioner of Corrections, and the Chairman of the State Parole Board, ex officio, or their designees.

d. The Special Agent in Charge of the State of New Jersey for the Federal Bureau of Investigation or a designated representative.

e. The Police Training Commission shall ensure that all commission members, during their tenure as commissioners, annually complete confidentiality, ethics, and other training as required by the Attorney General's Office. The commission shall also ensure that all newly appointed public members of the commission complete a course designed to familiarize the members with relevant law enforcement training concepts, including but not limited to the use of force policy and internal affairs policy and procedures to help the members carry out their duties under P.L.2022, c.65 (C.52:17B-71a et al.).

8. Section 6 of P.L.1961, c.56 (C.52:17B-71) is amended to read as follows:

C.52:17B-71 Powers, responsibilities, duties of commission.

6. The commission shall establish requisite standards for the training of law enforcement officers and oversee the implementation of those standards.

The commission shall have the authority:

a. To prescribe standards for the approval and continuation of approval of schools at which police training courses authorized by this act and in-service police training courses shall be conducted, including but not limited to currently existing regional, county, municipal, and police chief association police training schools or at which basic training courses and in-service training courses shall be conducted for State and county juvenile and adult correctional police officers and juvenile detention officers;

b. To approve and issue certificates of approval to these schools, to inspect the schools from time to time, and to revoke any approval or certificate issued to the schools;

c. To prescribe the curriculum, the minimum courses of study, attendance requirements, equipment and facilities, and standards of operation for these schools and prescribe psychological and psychiatric examinations for police recruits;

d. To prescribe minimum qualifications for instructors at these schools and to certify, as qualified, instructors for approved police training schools and to issue appropriate certificates to the instructors;

e. To certify law enforcement officers who have satisfactorily completed training programs and to issue appropriate certificates to the officers;

- f. To advise and consent in the appointment of an administrator of police services by the Attorney General pursuant to section 8 of P.L.1961, c.56 (C.52:17B-73);
- g. (Deleted by amendment, P.L.1985, c.491)
- h. To make rules and regulations as may be reasonably necessary or appropriate to accomplish the purposes and objectives of this act;
- i. To make a continuous study of police training methods and training methods for law enforcement officers and to consult and accept the cooperation of any recognized federal or State law enforcement agency or educational institution;
- j. To consult and cooperate with universities, colleges, and institutes in the State for the development of specialized courses of study for law enforcement officers in police science and police administration;
- k. To consult and cooperate with other departments and agencies of the State concerned with police training or the training of law enforcement officers;
- l. To participate in unified programs and projects relating to police training and the training of law enforcement officers sponsored by any federal, State, or other public or private agency;
- m. To perform other acts as may be necessary or appropriate to carry out its functions and duties as set forth in this act;
- n. To extend the time limit for satisfactory completion of police training programs or programs for the training of law enforcement officers upon a finding that health, extraordinary workload, or other factors have, singly or in combination, effected a delay in the satisfactory completion of the training program;
- o. (1) To furnish approved schools, for inclusion in their regular police training courses and curriculum, with information concerning the advisability of high-speed chases, the risk caused by them, and the benefits resulting from them, and to include any other relevant police training courses that will assist the commission in providing efficient training;
(2) To consult the New Jersey State Police with respect to its administration of police training courses or programs for the training of law enforcement officers to be certified as a Drug Recognition Expert for detecting, identifying, and apprehending drug-impaired motor vehicle operators, and to consult with the Cannabis Regulatory Commission established by 31 of P.L.2019, c.153 (C.24:6I-24) with respect to any aspects of the course curricula that focus on impairment from the use of cannabis items as defined by section 3 of P.L.2021, c.16 (C.24:6I-33) or marijuana.
- p. (Deleted by amendment, P.L.2022, c.65)
- q. To administer and distribute the monies in the Law Enforcement Officers Training and Equipment Fund established by section 9 of P.L.1996, c.115 (C.2C:43-3.3) and make rules and regulations for the administration and distribution of the monies as may be necessary or appropriate to accomplish the purpose for which the fund was established.

C.52:17B-71a Licensing process established; powers, responsibilities, duties.

- 9. The commission shall establish the process by which law enforcement officers shall be licensed and the implementation of that process. The commission is vested with the power, responsibility, and duty:
 - a. to prescribe minimum standards and requirements for the licensure for law enforcement officers and to maintain the status as a licensed law enforcement officer for the purpose of promoting and assuring integrity, competence, professionalism, and fitness for duty. The minimum standards shall include, but not be limited to:

(1) minimum pre-employment qualifications for law enforcement officer applicants, including but not limited to, age requirements, residency requirements, background investigations, psychological examinations, and educational requirements;

(2) minimum post-academy training and educational requirements, including but not limited to required field training hours for recent academy graduates and required continuing educational courses for law enforcement officers; and

(3) minimum standards of professional conduct;

b. to establish a licensure process and applicable criteria for license issuance, renewal, suspension, revocation, or denial; and

c. to perform or cause to be performed through the licensing committee the following activities related to law enforcement officer licensing:

(1) review applications for and, if warranted, issue initial law enforcement officer licenses to qualified applicants;

(2) review and act upon matters related to law enforcement officer license renewal, suspension, revocation, or denial;

(3) conduct license renewal, suspension, revocation, or denial hearings; and

(4) suspend, revoke, place conditions upon, or deny a license in the event an individual does not meet any standard or requirement prescribed by the commission.

d. The commission shall establish a licensing committee to assist it in exercising the authority provided under this act, including duties with respect to law enforcement officer licensing as set forth in subsection c. of this section and section 19 of P.L.2022, c.65 (C.52:17B-71f), and including but not limited to, making recommendations for licensure to be considered by the full commission.

The composition, membership, terms of membership, and procedures applicable to the function and operations of the licensing committee shall be determined by the commission, provided that the membership of the licensing committee shall include the Attorney General's designee and no less than one public member.

C.52:17B-67.1 Valid, active license required for law enforcement officer employment.

10. A person shall not be employed as a law enforcement officer, as defined in section 2 of P.L.1961, c.56 (C.52:17B-67), in this State unless the person holds a valid, active license as a law enforcement officer issued in accordance with P.L.2022, c.65 (C.52:17B-71a et al.). A person shall not act as a law enforcement officer, as defined in section 2 of P.L.1961, c.56 (C.52:17B-67), in this State beyond the scope of the authorization provided pursuant to any designations to the license approved by the Police Training Commission.

11. Section 4 of P.L.2008, c.80 (C.52:17B-71.9) is amended to read as follows:

C.52:17B-71.9 Adoption of training course by Police Training Commission.

4. a. The Police Training Commission in the Department of Law and Public Safety shall adopt a training course regarding the risks associated with autism or an intellectual or other developmental disability and appropriate recognition and response techniques concerning these disabilities based on the curriculum developed by the Departments of Health and Senior Services and Human Services pursuant to subsection a. of section 2 of P.L.2008, c.80 (C.26:2-190). The training course shall be administered by the employing agency as part of the in-service training provided to each local police officer in each law enforcement unit operating in this State.

b. Prior to being appointed to permanent status as a local law enforcement officer in a law enforcement unit, an individual shall be required to complete the training course adopted under subsection a. of this section. Every local law enforcement officer appointed prior to the effective date of P.L.2022, c.65 (C.52:17B-71a et al.) shall, within 36 months of the effective date of P.L.2022, c.65 (C.52:17B-71a et al.), satisfactorily complete a training course in recognition and response techniques concerning these disabilities.

c. The Police Training Commission shall adopt rules and regulations, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of this act.

12. Section 7 of P.L.1961, c.56 (C.52:17B-72) is amended to read as follows:

C.52:17B-72 Effect of act upon powers and duties of municipalities and counties and civil service.

7. a. Except as expressly provided in P.L.1961, c.56 (C.52:17B-66 et seq.), nothing herein contained shall be deemed to limit the powers, rights, duties or responsibilities of municipal or county governments, nor to affect provisions of Title 11 of the Revised Statutes, provided that a determination by the Civil Service Commission that an individual is eligible for appointment as a law enforcement officer shall not be construed to affect or limit the commission's ability to take any action authorized under P.L.2022, c.65 (C.52:17B-71a et al.) with respect to an applicant or licensee.

b. Notwithstanding the provisions of any statute, rule, regulation or collective bargaining agreement to the contrary, the commission shall have the sole authority to establish training standards and certification for approved schools, and the licensure requirements for a law enforcement officer as defined in section 2 of P.L.1961, c.56 (C.52:17B-67).

13. Section 10 of P.L.1961, c.56 (C.52:17B-75) is amended to read as follows:

C.52:17B-75 Reimbursement for expenses.

10. The members of the commission shall receive no salary but all members except those designated in subsection c. of section 5 of this act shall be reimbursed for their reasonable expenses lawfully incurred in the performance of their official functions. The members of the commission who are employed by the State, a county, a municipality or any State, county, or local governmental entity shall not be subject to loss of pay or accrued time due to attending commission meetings or otherwise performing the official commission functions.

C.52:17B-71b License requirements.

14. a. The applicant for an initial law enforcement license or a probationary license shall have the burden of demonstrating to the satisfaction of the commission that the applicant meets all requirements for the issuance of a law enforcement license. The requirements for an initial license and a probationary license shall include, but not be limited to, that an applicant:

- (1) be at least 18 years of age;
- (2) be a citizen of the United States, if required for the position for which licensure is sought;
- (3) be at least a high school graduate or have earned a General Educational Development (GED) diploma;
- (4) be fingerprinted in accordance with the standards established by the commission;

(5) have passed a medical examination by a licensed physician, physician assistant, or licensed advanced practice registered nurse, based on specifications established by the commission;

(6) have passed a psychological examination by a licensed psychologist or psychiatrist based on specifications established by the commission;

(7) be of good moral character as determined by a background investigation conducted under the procedures established by the commission and successfully pass a criminal background records check in accordance with the Prison Rape Elimination Act (PREA), 28 C.F.R. 115.317, if applicable;

(8) successfully meet and complete all required basic physical and educational training courses as required by the commission;

(9) successfully pass a drug screening test as prescribed by the commission;

(10) possess a valid driver's license;

(11) not have received a dishonorable discharge from military service;

(12) successfully complete any probationary period prescribed by the commission;

(13) not have been convicted of any of the following:

(a) a crime in this State or any other state, territory, country, or of the United States, including a conviction of an offense which if committed in this State would be deemed a crime under either State or federal law without regard to its designation elsewhere;

(b) an act of domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17 et seq.);

(c) an offense that would preclude an applicant from carrying a firearm as defined by N.J.S.2C:39-1;

(d) a disorderly persons offense or petty disorderly persons offense involving dishonesty, fraud, or a lack of good moral character, unless the commission determines the offense to be de minimis in nature or inconsequential to the applicant's ability to meet the standards expected of a law enforcement officer;

(e) two or more motor vehicle offenses for operating a motor vehicle while under the influence of drugs or alcohol pursuant to R.S.39:4-50 or two or more motor vehicle offenses for reckless driving pursuant to R.S.39:4-96; or

(f) any offense listed in (b) through (e) of this paragraph committed in violation of the laws of another state, territory, country, or the United States;

(14) not be the subject of or had a domestic violence restraining order pursuant to P.L.1991, c.261 (C.2C:25-17 et seq.), an extreme risk protective order, or a temporary extreme risk protective order pursuant to P.L.2018, c.35 (C.2C:58-20 et seq.) issued against the applicant;

(15) not be an active member of a group or organization that advocates for, espouses, or promotes the overthrow of a local, state, or federal government or discrimination or violence against or hatred or bias toward individuals or groups based on race, creed, color, national origin, ancestry, age, sex, marital status, sexual orientation, gender identity or expression, or any other protected characteristic under the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.), or knowingly engage in any activity, conduct, or behavior relating to such group or organization with the intent to support, endorse or advocate for, or which the applicant knows or should know will have the effect of supporting, furthering, or advocating for, the goals of such group or organization, where active membership or knowing engagement would undermine public confidence in the ability of the individual law enforcement officer or the employing law enforcement agency to carry out the public safety mission, or where active membership or knowing engagement would cause substantial disruption to proper law enforcement functioning;

(16) not have engaged in conduct or behavior in the applicant's personal or professional life, including, but not limited to, making statements, posting, sharing, or commenting in support of any posting, on social media or otherwise, that demonstrates, espouses, advocates, or supports discrimination or violence against, or hatred or bias toward, individuals or groups based on race, creed, color, national origin, ancestry, age, sex, marital status, sexual orientation, gender identity or expression, or any other protected characteristic under the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.), where the conduct or behavior would undermine public confidence in the ability of the individual law enforcement officer or the employing law enforcement agency to carry out the public safety mission, or where the conduct or behavior would cause substantial disruption to proper law enforcement functioning;

(17) provide to the commission and the applicant's employing law enforcement unit a complete list of all social media accounts maintained by the applicant and grant to the commission and the applicant's employing law enforcement unit access to all outwardly facing activity and publicly accessible components of the accounts;

(18) not currently be listed on the National Decertification Index as being decertified as a law enforcement officer or having the license or certification as a law enforcement officer revoked or denied;

(19) pay or cause to be paid any fees, if applicable, established by the commission; and

(20) any other requirements established by the commission.

b. The commission may waive the requirements of subparagraphs (d) and (e) of paragraph (13) of subsection a. of this section if the applicant demonstrates to the licensing committee's satisfaction that:

(1) the applicant's conviction or convictions occurred five or more years prior to submission of an application for licensure as a law enforcement officer;

(2) the applicant has taken rehabilitative steps since the applicant's conviction or convictions to become a law-abiding citizen through actions, including but not limited to continuing education, maintaining gainful employment, and having no further convictions; and

(3) the applicant is currently of good moral character and submits at least three letters of recommendation from members of the applicant's community detailing the applicant's good moral character.

c. An applicant for licensure shall provide to the commission or the applicant's employing law enforcement unit documented proof, in a form and manner as required by the commission, that the applicant is in compliance with paragraphs (1) through (20) of subsection a. of this section. The commission shall promulgate in its rules and regulations the form, manner, and substance of documents required by the commission to provide sufficient proof of the qualifications required by this section. An application for initial licensure or license renewal of a person employed as full-time sworn member of any State, county, or municipal law enforcement agency or department, division or instrumentality of those governments on the effective date of P.L.2022, c.65 (C.52:17B-71a et al.) shall not be denied based solely on consideration of disciplinary actions based on conduct occurring prior to the date of enactment of P.L.2022, c.65 (C.52:17B-71a et al.).

d. The commission shall have the authority to issue a license for employment as a law enforcement officer if an applicant satisfies all licensing requirements. A license issued pursuant to this section shall expire three years after its date of issuance, before which time the law enforcement officer shall be required to apply for a license renewal pursuant to section 17 of P.L.2022, c.65 (C.52:17B-71d).

e. Law enforcement officers from jurisdictions outside of New Jersey and federal law enforcement officers applying for licensure in this State shall be required to meet all of the

requirements set forth in this section and also shall be required to complete a waiver form that allows the commission and any hiring law enforcement unit to review the officer's internal affairs records from any and all prior law enforcement positions.

f. A person appointed as a permanent law enforcement officer prior to the effective date of P.L.2022, c.65 (C.52:17B-71a et al.) shall apply for a law enforcement license in accordance with section 17 of P.L.2022, c.65 (C.52:17B-71d). The commission shall devise a process and schedule for submission of a law enforcement license application for the officers.

g. At the discretion of the commission, licenses issued pursuant to this section may serve as authorization for a licensee to serve in one of the following positions, provided the licensee meets the requisite qualifications for that status: a full-time permanent law enforcement officer; a Class One, Class Two, or Class Three special law enforcement officer; or a probationary law enforcement officer.

h. In all situations where a law enforcement officer has been convicted of an offense set forth in subparagraph (a), (b), or (c) of paragraph (13) of subsection a. of this section, the commission shall deny the issuance of a license to an applicant.

i. Any decision to deny a license shall be accompanied by a written statement in a form to be prescribed by the commission.

C.52:17B-71c Employing law enforcement unit responsible for collection, verification, maintenance of qualification documents.

15. a. An employing law enforcement unit shall be responsible for the collection, verification, and maintenance of documentation establishing that an applicant meets the minimum qualifications for employment as a law enforcement officer.

b. When all of the documentation concerning an applicant is obtained, the employing law enforcement unit shall submit the documentation to the commission for verification and review in a manner prescribed by the commission.

c. The commission shall adopt rules and regulations establishing the procedure to submit licensing application documents.

d. The commission shall review an applicant's documentation submitted for licensure to determine eligibility for the issuance of a law enforcement license.

C.52:17B-77.16a Notification of appointment, employment, separation, suspension, certain sustained findings.

16. a. The chief law enforcement officer of an employing law enforcement unit shall notify the commission in writing, on a form prescribed by the commission, of a law enforcement officer's appointment to or employment with the law enforcement unit, which shall include the commencement date of such appointment or employment.

b. The chief law enforcement officer of an employing law enforcement unit shall notify the commission, in writing, on a form prescribed by the commission, of the following employment actions concerning a law enforcement officer:

(1) the separation from appointment or employment with the law enforcement unit, which includes any firing, termination, resignation, retirement, or voluntary or involuntary extended leave of absence, which notice shall include the date of separation;

(2) the imposition of any discipline subject to appeal;

(3) any suspension of more than five days or 40 hours duration, imposed pending investigation or disciplinary action;

(4) any sustained finding that a law enforcement officer used excessive force;

(5) any pending criminal charge or conviction of any crime, disorderly persons, petty disorderly persons, or driving while intoxicated offense;

(6) any sustained finding that a law enforcement officer is unfit for duty;

(7) any sustained finding that the law enforcement officer filed a false report or submitted a false certification in any criminal, administrative, employment, financial, or insurance matter in the officer's professional or personal life;

(8) any sustained finding that the law enforcement officer mishandled or destroyed evidence;

(9) any sustained finding that the law enforcement officer was untruthful or demonstrated a lack of candor; and

(10) any sustained finding that the law enforcement officer is biased against a particular class of people based on race, creed, color, national origin, ancestry, sex, marital status, sexual orientation, gender identity or expression, or any other protected characteristic under the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.).

In addition to the completed form, the employing law enforcement unit shall provide additional supporting information and documentation as may be required by the commission. The employing law enforcement unit shall maintain the original form and submit, or electronically transmit, the information required under this subsection to the commission within two business days of the employment action. Notwithstanding any other provision of law, the completed forms and information submitted to the commission pursuant to this section shall not, by virtue of having been required pursuant to this section, constitute a public record under P.L.1963, c.73 (C.47:1A-1 et seq.) or a government record subject to access pursuant to P.L.2001, c.404 (C.47:1A-5 et seq.), but shall be accessible when otherwise required to be disclosed by law.

c. In a case of separation from employment, the employing law enforcement unit shall execute and maintain a form adopted by the commission, setting forth in detail the facts and reasons for the separation. The information contained in the form shall be submitted, or electronically transmitted, to the commission within two business days. If the officer is separated for the officer's failure to comply with the provisions of P.L.2022, c.65 (C.52:17B-71a et al.), the notice shall specify this. Any law enforcement officer who has separated from employment for cause shall be permitted to respond to the separation, in writing, to the commission, setting forth the facts and reasons for the separation as the officer understands them. The response shall be submitted to the commission within two business days of the separation.

d. Before employing a licensed law enforcement officer, a subsequent employing law enforcement unit shall contact the commission to inquire as to the facts and reasons an officer was separated from any previous employing unit. The commission shall, upon request and without prejudice, provide to the subsequent employing law enforcement unit all information that is required under subsections a., b., and c. of this section that is in its possession. Notwithstanding this provision, a law enforcement unit seeking to hire a law enforcement officer shall comply with the provisions of section 1 of P.L.2020, c.52 (C.52:17B-247) and request that officer's internal affairs and personnel files from the officer's previous employing law enforcement units.

e. Whenever a law enforcement officer voluntarily separates from employment with a law enforcement unit to commence employment at another unit, the chief law enforcement officer of the former law enforcement unit shall notify the commission in writing in advance, if possible, but no later than two business days after the officer's departure. Upon separation from employment, the law enforcement officer's license shall be placed on inactive status,

unless the commission has previously acted to approve the officer's active status at the new employing law enforcement unit. The chief law enforcement officer of that unit shall make application to the commission, in a manner prescribed by the commission, through its regulations, prior to or within two business days of the officer's appointment date to restore the officer's license to active status. The commission shall consider the application and render a decision concerning the reactivation of the officer's license.

f. It shall be unlawful for any State, county, or municipal agency, law enforcement unit, or licensed law enforcement officer to enter into any non-disclosure agreement which seeks to conceal or prevent public review of the circumstances under which the officer separated from or was terminated or fired from employment by the law enforcement unit or State, county, or municipal agency.

C.52:17B-71d Law enforcement license renewal, process.

17. a. A law enforcement officer required to renew the officer's license or a person appointed as a permanent law enforcement officer prior to the effective date of P.L.2022, c.65 (C.52:17B-71a et al.) shall submit an application for law enforcement license renewal through the officer's employing law enforcement unit to the commission. The application for law enforcement license renewal shall be on a form adopted by the commission and shall require the law enforcement officer and the chief law enforcement officer of the officer's employing law enforcement unit to certify that the officer:

(1) is of good moral character as determined by a background investigation conducted under the procedures established by the commission;

(2) successfully meets and has completed all commission required physical and educational training courses;

(3) has not been convicted of:

(a) a crime in this State or any other state, territory, country, or of the United States, including a conviction of an offense which if committed in this State would be deemed a crime under either state or federal law without regard to its designation elsewhere;

(b) an act of domestic violence pursuant to P.L.1991, c.261 (C.2C:25-17 et seq.);

(c) an offense that would preclude an applicant from carrying a firearm as defined by N.J.S.2C:39-1;

(d) a disorderly persons offense or petty disorderly persons offense involving dishonesty, fraud, or a lack of good moral character, unless the commission determines the offense to be de minimis in nature or inconsequential to the applicant's ability to meet the standards expected of a law enforcement officer;

(e) two or more motor vehicle offenses for operating a motor vehicle while under the influence of drugs or alcohol pursuant to R.S.39:4-50 or two or more motor vehicle offenses for reckless driving pursuant to R.S.39:4-96; or

(f) any offense listed in subparagraph (b) through (e) of this paragraph committed in violation of the laws of another state, territory, country, or the United States.

(4) is not an active member of a group or organization that advocates for, espouses or promotes the overthrow of a local, state or federal government or discrimination or violence against or hatred or bias toward individuals or groups based on race, creed, color, national origin, ancestry, sex, marital status, sexual orientation, gender identity or expression, or any other protected characteristic under the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.), and has not knowingly engaged in any activity, conduct, or behavior relating to the group or organization with the intent to support, endorse or advocate for, or which the officer knows or should know will have the effect of supporting, furthering, or advocating for,

the goals of the group or organization, where active membership or knowing engagement undermines or tends to undermine public confidence in the ability of the individual law enforcement officer or the employing law enforcement agency to carry out the public safety mission, or where active membership or knowing engagement causes or threatens to cause substantial disruption to proper law enforcement functioning; and

(5) has not engaged in conduct or behavior in the officer's personal or professional life, including but not limited to, making statements, posting, sharing, or commenting in support of any posting on social media or otherwise that demonstrates, espouses, advocates or supports discrimination or violence against, or hatred or bias toward individuals or groups based on race, creed, color, national origin, ancestry, sex, marital status, sexual orientation, gender identity or expression, or any other protected characteristic under the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.), where the conduct or behavior would undermine public confidence in the ability of the individual law enforcement officer or the employing law enforcement agency to carry out the public safety mission, or where the conduct or behavior would cause substantial disruption to proper law enforcement functioning.

b. A law enforcement officer who is unable to certify to any item enumerated in subsection a. of this section shall disclose to the commission the reason the officer cannot make the certification. The commission shall consider this information in determining whether the officer's license shall be renewed.

c. In addition to the information contained in the law enforcement license renewal application form, the commission may request any additional information it deems relevant to determine whether a law enforcement officer's license should be renewed. The information may include a summary of a law enforcement officer's internal affairs file, or the entire file as the commission deems necessary. An employing law enforcement unit or the law enforcement officer shall provide all additional information requested by the commission.

d. A license issued pursuant to section 14 of P.L.2022, c.65 (C.52:17B-71b) may be renewed administratively, under terms and conditions established by the commission, without requiring review by the licensing committee pursuant to subsection d. of section 9 of P.L.2022, c.65 (C.52:17B-71a) or conducting a hearing pursuant to section 19 of P.L.2022, c.65 (C.52:17B-71f), if the licensee and the licensee's employing law enforcement unit submit the certifications required pursuant to subsection a. of this section and if a notice of an employment action concerning the licensee has not been submitted to or is not required to be submitted to the commission in accordance with subsection b. of section 16 of P.L.2022, c.65 (C.52:17B-77.16a).

e. The license of a law enforcement officer who is active and in good standing and who has timely submitted a completed renewal application which the commission fails to act upon prior to the license expiration date shall be deemed in force and effect until the time as the commission acts upon the renewal application, provided that nothing in this subsection shall be construed to preclude the commission from exercising the authority provided under section 18 of P.L.2022, c.65 (C.52:17B-71e) during that interval or thereafter.

f. Any decision to deny a license renewal shall be accompanied by a written statement in a form to be prescribed by the commission.

C.52:17B-71e Adverse license action, repercussions.

18. a. The commission shall have authority to impose an adverse license action as set forth in subsection b. of this section if the applicant or officer has:

(1) failed to demonstrate or adhere to the minimum qualifications under section 14 of P.L.2022, c.65 (C.52:17B-71b), or in the rules and regulations of the commission when applying for a license or license renewal;

(2) knowingly made misleading, deceptive, untrue, or fraudulent representations in the practice of being a law enforcement officer or in any document connected therewith or practiced fraud or deceit or intentionally made any false statement in obtaining a license to be an officer;

(3) been convicted of a crime in this State or any other state, territory, country, or of the United States. As used in this paragraph, the term "convicted of a crime" shall include a conviction of an offense which if committed in this State would be deemed a crime under either state or federal law without regard to its designation elsewhere;

(4) committed a crime involving moral turpitude, without regard to conviction. The conviction of a crime involving moral turpitude shall be conclusive of the commission of the crime;

(5) been convicted of an act of domestic violence as defined by section 1 of P.L.1991, c.261 (C.2C:25-17 et seq.);

(6) had the officer's law enforcement license revoked, suspended, or annulled by any lawful certifying or licensing authority, had other disciplinary action taken against the officer by any lawful certifying or licensing authority, or was denied a license by any lawful certifying or licensing authority;

(7) engaged in any unprofessional, unethical, deceptive, or deleterious conduct or practice harmful to the public; the conduct or practice need not have resulted in actual injury to any person. As used in this paragraph, the term "unprofessional conduct" shall include any departure from, or failure to conform to, the minimal standards of acceptable and prevailing practice of an officer as prescribed by the commission. As used in this paragraph the term "deceptive conduct" shall include but not be limited to:

(a) a sustained finding that a law enforcement officer filed a false report or submitted a false certification in any criminal, administrative, employment, financial, or insurance matter in the professional or personal life of the officer;

(b) a sustained finding that the law enforcement officer was untruthful or demonstrated a lack of candor;

(c) a sustained finding that the law enforcement officer mishandled or destroyed evidence;
or

(d) a sustained finding that a law enforcement officer has engaged in conduct demonstrating discrimination, hatred or bias against individuals or groups based on race, creed, color, national origin, ancestry, sex, marital status, sexual orientation, gender identity or expression, or any other protected characteristic under the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-1 et seq.);

(8) been adjudged mentally incompetent by a court of competent jurisdiction, within or outside this State;

(9) become unable to perform as an officer with reasonable skill and safety to citizens by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition;

(10) been the subject of or had a domestic violence restraining order pursuant to P.L.1991, c.261 (C.2C:25-17 et seq.), an extreme risk protective order or a temporary extreme risk protective order pursuant to P.L.2018, c.35 (C.2C:58-20 et seq.) issued against the applicant or officer; or

(11) been suspended or discharged by the officer's employing law enforcement unit for disciplinary reasons.

b. If the commission finds, based on its own review or a recommendation of the licensing committee, that any person has engaged in the conduct described in subsection a. of this section, the commission may take any of the following actions:

- (1) suspend any license for a definite period;
- (2) place limitations or restrictions on a license;
- (3) revoke a license;
- (4) condition a penalty, or withhold formal disposition, upon the officer's completing care, counseling, or treatment, as directed by the commission; or
- (5) place the officer's license on inactive status.

c. In addition to and in conjunction with the foregoing actions, the commission may make a finding adverse to the applicant or law enforcement officer, but withhold imposition of judgment or it may impose the judgment but suspend enforcement thereof and place the officer on probation, which may be vacated upon noncompliance with reasonable terms as the commission may impose.

d. In its discretion, the commission may restore and reissue a license issued under this act and, as a condition thereof, may impose any corrective measure prescribed by the commission.

e. In all situations where a law enforcement officer has been convicted of an offense set forth in subparagraph (a), (b), or (c) of paragraph (13) of subsection a. of section 14 of P.L.2022, c.65 (C.52:17B-71b), the commission shall revoke a law enforcement officer's license.

f. Any decision to revoke or suspend a license shall be accompanied by a written statement in a form to be prescribed by the commission.

g. Decisions of the commission authorized under this section shall be final agency decisions subject to appeal to the Superior Court.

h. The commission shall report all final decisions to revoke or deny licensure issued under this act to the National Decertification Index.

C.52:17B-71f Hearing over denial of initial, renewal license.

19. a. Except under circumstances set forth in subsection h. of section 14 of P.L.2022, c.65 (C.52:17B-71b) or subsection e. of section 18 of P.L.2022, c.65 (C.52:17B-71e), in all situations involving the imposition of an adverse license action by the commission as set forth in subsection b. of section 18 of P.L.2022, c.65 (C.52:17B-71e) or the denial of an initial or renewal license, the law enforcement officer shall, if requested by the officer, be entitled to a hearing in a manner prescribed in this subsection and in regulations as may be promulgated by the commission:

(1) The licensing committee may hear the matter or refer the matter to a hearing officer for fact finding and a recommended disposition;

(2) If the matter is referred to a hearing officer, the officer shall conduct a hearing and provide a written report to the licensing committee detailing the facts revealed and providing a recommended disposition; and

(3) The licensing committee shall review the hearing officer's report, vote on the proposed disposition, and make a recommendation to the full commission, which shall render a decision in writing to the law enforcement officer, or any other party participating in the hearing.

b. Any ruling of the commission adverse to the law enforcement officer or any party participating in the hearing may be appealed to the Superior Court within 45 days of receipt of the commission's decision on appeal. Absent an appeal to the Superior Court, all findings of

the commission shall become final upon the expiration of the appeal deadline. Upon review on appeal to the Superior Court, the commission's decisions shall be upheld unless the court finds the commission's decision was arbitrary, capricious, or unreasonable, or the record was unsupported by substantial credible evidence.

c. The commission shall promulgate rules and regulations detailing the manner of the hearing and appeal process. The processes shall include, but not be limited to, the manner in which a hearing and appeal are initiated and the manner in which the hearing shall be conducted.

C.52:17B-71g Continuing officer education training requirement.

20. a. The commission shall, by regulation, require all law enforcement officers, as a condition of continued employment or appointment as an officer, to receive periodic commission-approved continuing officer education training. The training or education shall be mandated and prescribed by the commission. Every law enforcement unit shall provide a reasonable opportunity for its officers to complete training.

b. The law enforcement officer shall submit proof of all required training to the chief law enforcement officer of the officer's employing law enforcement unit, who shall in turn, submit the documentation to the commission in a manner to be proscribed by the commission's regulations.

C.52:17B-71h Fees for training, other services provided by commission.

21. a. The commission shall, by rule or regulation, establish, prescribe, or modify fees for training or other services provided by the commission pursuant to the provisions of this act. The fees may include, but are not limited to, fees for academy recruits and fees for each academy. Any fees established pursuant to this subsection shall be dedicated to the costs of providing the training or other services provided by the commission, as the case may be.

b. The commission may, by rule or regulation, establish, prescribe, or modify fees for application for and issuance of an initial license pursuant to the provisions of this act for applicants or law enforcement officers not employed as full-time sworn members of any State, county, or municipal law enforcement agency or department or division of those governments on the effective date of this act, provided that a fee may not be charged for application for and issuance of initial licenses for law enforcement officers employed as full-time sworn members of any State, county, or municipal law enforcement agency, department, or division of those governments on the effective date of this act, or for application for and issuance of law enforcement license renewals for law enforcement officers employed as full-time sworn members of any State, county, or municipal law enforcement agency, department, or division of those governments on or after the effective date of this act.

c. The commission shall be authorized to accept payment of fees established pursuant to this section from an applicant or licensee or on behalf of an applicant or licensee from a law enforcement unit employing or proposing to employ the applicant or officer, from any other governmental entity, or from funds made available by the State for this purpose.

22. There is hereby appropriated from the General Fund to the Department of Law and Public Safety the sum of \$6,000,000 to carry out the purposes of this act for the fiscal period ending June 30, 2023.

Repealer.

23. The following sections are repealed:

Section 5 of P.L.1988, c.176 (C.52:17B-68.1);

Section 3 of P.L.1967, c.252 (C.52:17B-71.1); and

Sections 1 through 6 of P.L.1968, c.265 (C.52:17B-71.2 through C.52:17B-71.7).

24. This act shall take effect on the first day of the eighteenth month after enactment, however paragraph (2) of subsection o. of section 8 shall take effect immediately. The Police Training Commission may take such anticipatory actions in advance of that date as may be necessary to effectuate the provisions of this act.

Approved July 21, 2022.