

NEW JERSEY STATE POLICEMEN=S BENEVOLENT ASSOCIATION, INC.
100 WOOD AVENUE SOUTH – SUITE 400
ISELIN, NEW JERSEY 08830

TO: All State PBA Delegates and Members
FROM: President Michael J. Madonna
DATE: June 20, 2005
RE: PBA Car Shields

On January 20, 1987, our new shield was duly registered with the Secretary of State=s office through the efforts of the State PBA attorney.

Following are listed the statutes for your information concerning car shields:-

1. N.J.S.A. 56:2-1 permits a fraternal association, such as the PBA, to register its insignia with the Secretary of State.
2. N.J.S.A. 56:2-6 prohibits the use of a duly registered insignia by any person for any purpose unless the person is authorized by the organization to use the insignia. A violation of this statute is a misdemeanor and carries a penalty of a fine not to exceed \$100.00. A jail term not to exceed sixty (60) days is permitted in the event of a default in payment of the fine.

The State PBA attorney recommended the following:-

The question has arisen as to what should be done if someone who is not a member is displaying the shield. A common-sense approach should govern these situations. Anyone who is found displaying a shield should be advised that such a display is unlawful and should be asked to turn the shield in. If the person refuses to part with the shield, the officer should get his name and address. Then, written notice can be given to the person or a complaint may be filed against the individual. In our judgment, PBA members should not engage in self-help by entering a vehicle without permission and removing the shield. However, this is a decision that can only be made by the individual officer, his department or the municipal attorney. We simply cannot advise individual officers.

N.J.S.A. 56:2-1 is the most appropriate statute to use. N.J.S.A. 56:2-1 applies to anyone displaying a shield without permission. There are other statutes that are applicable but in more limited circumstances. For example, N.J.S.A. 2C:28-8 and 2C:21-17 prohibit impersonation of an officer and misrepresentation in order to obtain a benefit based upon the misrepresentation. Both the above statutes provide for some conduct that is more than simply displaying the PBA shield. Thus, these statutes would not be very useful for the PBA=s Adilemma@. N.J.S.A. 56:2-6 is the more useful statute for the PBA=s purpose.

E * N * D