

ASSEMBLY, No. 2571

STATE OF NEW JERSEY

213th LEGISLATURE

INTRODUCED MAY 5, 2008

Sponsored by:

Assemblywoman ALISON LITTELL MCHOSE

District 24 (Sussex, Hunterdon and Morris)

Assemblyman DOUGLAS H. FISHER

District 3 (Salem, Cumberland and Gloucester)

Assemblyman RONALD S. DANCER

District 30 (Burlington, Mercer, Monmouth and Ocean)

Assemblyman GARY R. CHIUSANO

District 24 (Sussex, Hunterdon and Morris)

Co-Sponsored by:

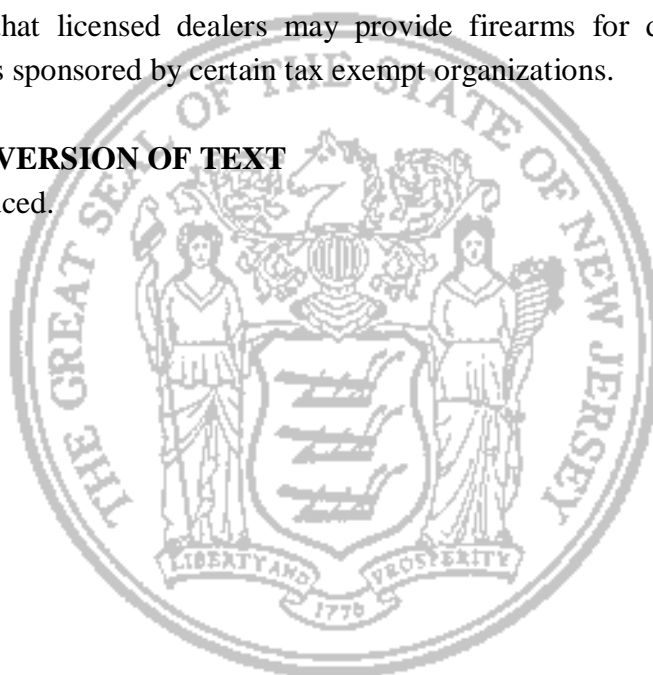
Assemblywoman Karrow, Assemblymen Milam and Albano

SYNOPSIS

Clarifies that licensed dealers may provide firearms for display at fund raising events sponsored by certain tax exempt organizations.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/17/2008)

A2571 MCHOSE, FISHER

2

1 AN ACT concerning firearms and amending N.J.S.2C:39:6 and
2 N.J.S.2C:58-2.

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
15 officers and employees required to carry firearms in the
16 performance of their official duties;

17 (3) Members of the State Police and, under conditions
18 prescribed by the superintendent, members of the Marine Law
19 Enforcement 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 police officer, or State conservation officer;

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

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

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

Matter underlined thus is new matter.

1 commanding officer, while in the actual performance of his official
2 duties;

3 (7) (a) A regularly employed member, including a detective, of
4 the police department of any county or municipality, or of any
5 State, interstate, municipal or county park police force or boulevard
6 police force, at all times while in the State of New Jersey;

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

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

17 (8) A full-time, paid member of a paid or part-paid fire
18 department or force of any municipality who is assigned full-time
19 or part-time to an arson investigation unit created pursuant to
20 section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson
21 investigation unit in the county prosecutor's office, while either
22 engaged in the actual performance of arson investigation duties or
23 while actually on call to perform arson investigation duties and
24 when specifically authorized by the governing body or the county
25 prosecutor, as the case may be, to carry weapons. Prior to being
26 permitted to carry a firearm, such a member shall take and
27 successfully complete a firearms training course administered by
28 the Police Training Commission pursuant to P.L.1961, c.56
29 (C.52:17B-66 et seq.), and shall annually qualify in the use of a
30 revolver or similar weapon prior to being permitted to carry a
31 firearm;

32 (9) A juvenile corrections officer in the employment of the
33 Juvenile Justice Commission established pursuant to section 2 of
34 P.L.1995, c.284 (C.52:17B-170) subject to the regulations
35 promulgated by the 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,
39 if the federal licensee certifies that the designated employee or
40 designated licensed agent is assigned to perform site protection,
41 guard, armed response or armed escort duties and is appropriately
42 trained and qualified, as prescribed by federal regulation, to
43 perform those duties. Any firearm utilized by an employee or agent
44 for a nuclear power plant pursuant to this paragraph shall be
45 returned each day at the end of the employee's or agent's authorized
46 official duties to the employee's or agent's supervisor. All firearms
47 returned each day pursuant to this paragraph shall be stored in
48 locked containers located in a secure area;

1 (11) A county corrections officer at all times while in the State of
2 New Jersey, provided he annually passes an examination approved
3 by the superintendent testing his proficiency in the handling of
4 firearms.

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

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

12 (2) A licensed dealer in firearms and his registered employees
13 during the course of their normal business while traveling to and
14 from their place of business and other places for the purpose of
15 demonstration, exhibition or delivery in connection with a sale, or
16 for the purpose of providing firearms for display at a fund raising
17 event sponsored by an organization determined by the federal
18 Internal Revenue Service to be a tax exempt organization pursuant
19 to section 501(c)(3) of the Internal Revenue Code of 1986, 26
20 U.S.C.s.501 (c)(3), provided, however, that the weapon is carried in
21 the manner specified in subsection g. of this section and further
22 provided, that in the case of firearms provided for display purposes,
23 timely and proper notice is given the superintendent.

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

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

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

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

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

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

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

1 (7) A humane law enforcement officer of the New Jersey
2 Society for the Prevention of Cruelty to Animals or of a county
3 society for the prevention of cruelty to animals, while in the actual
4 performance of his duties;

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

7 (9) A railway policeman, except a transit police officer of the
8 New Jersey Transit Police Department, at all times while in the
9 State of New Jersey, provided that he has passed an approved police
10 academy training program consisting of at least 280 hours. The
11 training program shall include, but need not be limited to, the
12 handling of firearms, community relations, and juvenile relations;

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

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

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

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

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

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

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

42 (17) A probation officer assigned to the "Probation Officer
43 Community Safety Unit" created by section 2 of P.L.2001, c.362
44 (C.2B:10A-2) while in the actual performance of the probation
45 officer's official duties. Prior to being permitted to carry a firearm,
46 a probation officer shall take and successfully complete a basic
47 course for regular police officer training administered by the Police
48 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et

1 seq.), and shall annually qualify in the use of a revolver or similar
2 weapon prior to being permitted to carry a firearm.

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

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

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

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

32 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
33 N.J.S.2C:39-5 do not apply to the transportation of unloaded
34 antique cannons directly to or from exhibitions or demonstrations
35 authorized under paragraph (4) of subsection d. of this section,
36 provided that the transportation is in compliance with safety
37 regulations the superintendent may promulgate. Nor do those
38 subsections apply to transportation directly to or from exhibitions or
39 demonstrations authorized under the law of another jurisdiction,
40 provided that the superintendent has been given 30 days' notice and
41 that the transportation is in compliance with safety regulations the
42 superintendent may promulgate.

43 e. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be
44 construed to prevent a person keeping or carrying about his place of
45 business, residence, premises or other land owned or possessed by
46 him, any firearm, or from carrying the same, in the manner
47 specified in subsection g. of this section, from any place of
48 purchase to his residence or place of business, between his dwelling

1 and his place of business, between one place of business or
2 residence and another when moving, or between his dwelling or
3 place of business and place where such firearms are repaired, for
4 the purpose of repair. For the purposes of this section, a place of
5 business shall be deemed to be a fixed location.

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

8 (1) A member of any rifle or pistol club organized in accordance
9 with the rules prescribed by the National Board for the Promotion
10 of Rifle Practice, in going to or from a place of target practice,
11 carrying such firearms as are necessary for said target practice,
12 provided that the club has filed a copy of its charter with the
13 superintendent and annually submits a list of its members to the
14 superintendent and provided further that the firearms are carried in
15 the manner specified in subsection g. of this section;

16 (2) A person carrying a firearm or knife in the woods or fields
17 or upon the waters of this State for the purpose of hunting, target
18 practice or fishing, provided that the firearm or knife is legal and
19 appropriate for hunting or fishing purposes in this State and he has
20 in his possession a valid hunting license, or, with respect to fresh
21 water fishing, a valid fishing license;

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

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

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

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

46 (4) A person from keeping or carrying about a private or
47 commercial aircraft or any boat, or from transporting to or from
48 such vessel for the purpose of installation or repair a visual distress

1 signalling device approved by the United States Coast Guard.

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

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

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

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

28 i. Nothing in N.J.S.2C:39-5 shall be construed to prevent any
29 person who is 18 years of age or older and who has not been
30 convicted of a felony, from possession for the purpose of personal
31 self-defense of one pocket-sized device which contains and releases
32 not more than three-quarters of an ounce of chemical substance not
33 ordinarily capable of lethal use or of inflicting serious bodily injury,
34 but rather, is intended to produce temporary physical discomfort or
35 disability through being vaporized or otherwise dispensed in the air.

36 Any person in possession of any device in violation of this
37 subsection shall be deemed and adjudged to be a disorderly person,
38 and upon conviction thereof, shall be punished by a fine of not less
39 than \$100.00.

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

44 Such exempt person shall not possess or carry a firearm until the
45 person has satisfactorily completed a firearms training course and
46 shall annually qualify in the use of a revolver or similar weapon.
47 For purposes of this subsection, a "firearms training course" means
48 a course of instruction in the safe use, maintenance and storage of

1 firearms which is approved by the Police Training Commission.
2 The commission shall approve a firearms training course if the
3 requirements of the course are substantially equivalent to the
4 requirements for firearms training provided by police training
5 courses which are certified under section 6 of P.L.1961, c.56
6 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3)
7 or (6) of subsection a. of this section shall be exempt from the
8 requirements of this subsection.

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

15 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
16 to prevent a law enforcement officer who retired in good standing,
17 including a retirement because of a disability pursuant to section 6
18 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
19 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1) or any
20 substantially similar statute governing the disability retirement of
21 federal law enforcement officers, provided the officer was a
22 regularly employed, full-time law enforcement officer for an
23 aggregate of four or more years prior to his disability retirement and
24 further provided that the disability which constituted the basis for
25 the officer's retirement did not involve a certification that the officer
26 was mentally incapacitated for the performance of his usual law
27 enforcement duties and any other available duty in the department
28 which his employer was willing to assign to him or does not subject
29 that retired officer to any of the disabilities set forth in subsection c.
30 of N.J.S.2C:58-3 which would disqualify the retired officer from
31 possessing or carrying a firearm, who semi-annually qualifies in the
32 use of the handgun he is permitted to carry in accordance with the
33 requirements and procedures established by the Attorney General
34 pursuant to subsection j. of this section and pays the actual costs
35 associated with those semi-annual qualifications, who is 75 years of
36 age or younger, and who was regularly employed as a full-time
37 member of the State Police; a full-time member of an interstate
38 police force; a full-time member of a county or municipal police
39 department in this State; a full-time member of a State law
40 enforcement agency; a full-time sheriff, undersheriff or sheriff's
41 officer of a county of this State; a full-time State or county
42 corrections officer; a full-time county park police officer; a full-
43 time county prosecutor's detective or investigator; a full-time
44 federal law enforcement officer; or is a qualified retired law
45 enforcement officer, as used in the federal "Law Enforcement
46 Officers Safety Act of 2004," Pub.L.108-277, domiciled in this
47 State from carrying a handgun in the same manner as law

1 enforcement officers exempted under paragraph (7) of subsection a.
2 of this section under the conditions provided herein:

3 (1) The retired law enforcement officer shall make application
4 in writing to the Superintendent of State Police for approval to carry
5 a handgun for one year. An application for annual renewal shall be
6 submitted in the same manner.

7 (2) Upon receipt of the written application of the retired law
8 enforcement officer, the superintendent shall request a verification
9 of service from the chief law enforcement officer of the
10 organization in which the retired officer was last regularly
11 employed as a full-time law enforcement officer prior to retiring.
12 The verification of service shall include:

13 (a) The name and address of the retired officer;

14 (b) The date that the retired officer was hired and the date that
15 the officer retired;

16 (c) A list of all handguns known to be registered to that officer;

17 (d) A statement that, to the reasonable knowledge of the chief
18 law enforcement officer, the retired officer is not subject to any of
19 the restrictions set forth in subsection c. of N.J.S.2C:58-3; and

20 (e) A statement that the officer retired in good standing.

21 (3) If the superintendent approves a retired officer's application
22 or reapplication to carry a handgun pursuant to the provisions of
23 this subsection, the superintendent shall notify in writing the chief
24 law enforcement officer of the municipality wherein that retired
25 officer resides. In the event the retired officer resides in a
26 municipality which has no chief law enforcement officer or law
27 enforcement agency, the superintendent shall maintain a record of
28 the approval.

29 (4) The superintendent shall issue to an approved retired officer
30 an identification card permitting the retired officer to carry a
31 handgun pursuant to this subsection. This identification card shall
32 be valid for one year from the date of issuance and shall be valid
33 throughout the State. The identification card shall not be
34 transferable to any other person. The identification card shall be
35 carried at all times on the person of the retired officer while the
36 retired officer is carrying a handgun. The retired officer shall
37 produce the identification card for review on the demand of any law
38 enforcement officer or authority.

39 (5) Any person aggrieved by the denial of the superintendent of
40 approval for a permit to carry a handgun pursuant to this subsection
41 may request a hearing in the Superior Court of New Jersey in the
42 county in which he resides by filing a written request for such a
43 hearing within 30 days of the denial. Copies of the request shall be
44 served upon the superintendent and the county prosecutor. The
45 hearing shall be held within 30 days of the filing of the request, and
46 no formal pleading or filing fee shall be required. Appeals from the
47 determination of such a hearing shall be in accordance with law and
48 the rules governing the courts of this State.

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

10 (7) The superintendent may charge a reasonable application fee
11 to retired officers to offset any costs associated with administering
12 the application process set forth in this subsection.

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

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

39 (cf: P.L.2007, c.314, s.1)

40

41 2. N.J.S.2C:58-2 is amended to read as follows:

42 2C:58-2 a. Licensing of retail dealers and their employees. No
43 retail dealer of firearms nor any employee of a retail dealer shall
44 sell or expose for sale, or possess with the intent of selling, any
45 firearm unless licensed to do so as hereinafter provided. The
46 superintendent shall prescribe standards and qualifications for retail
47 dealers of firearms and their employees for the protection of the
48 public safety, health and welfare.

1 Applications shall be made in the form prescribed by the
2 superintendent, accompanied by a fee of \$50.00 payable to the
3 superintendent, and shall be made to a judge of the Superior Court
4 in the county where the applicant maintains his place of business.
5 The judge shall grant a license to an applicant if he finds that the
6 applicant meets the standards and qualifications established by the
7 superintendent and that the applicant can be permitted to engage in
8 business as a retail dealer of firearms or employee thereof without
9 any danger to the public safety, health and welfare. Each license
10 shall be valid for a period of three years from the date of issuance,
11 and shall authorize the holder to sell firearms at retail in a specified
12 municipality.

13 In addition, every retail dealer shall pay a fee of \$5.00 for each
14 employee actively engaged in the sale or purchase of firearms. The
15 superintendent shall issue a license for each employee for whom
16 said fee has been paid, which license shall be valid for so long as
17 the employee remains in the employ of said retail dealer.

18 No license shall be granted to any retail dealer under the age of
19 21 years or to any employee of a retail dealer under the age of 18 or
20 to any person who could not qualify to obtain a permit to purchase a
21 handgun or a firearms purchaser identification card, or to any
22 corporation, partnership or other business organization in which the
23 actual or equitable controlling interest is held or possessed by such
24 an ineligible person.

25 All licenses shall be granted subject to the following conditions,
26 for breach of any of which the license shall be subject to revocation
27 on the application of any law enforcement officer and after notice
28 and hearing by the issuing court:

29 (1) The business shall be carried on only in the building or
30 buildings designated in the license, provided that repairs may be
31 made by the dealer or his employees outside of such premises, and
32 further provided, that nothing herein shall be construed to prohibit a
33 dealer from providing firearms for display at a fund raising event
34 sponsored by an organization determined by the federal Internal
35 Revenue Service to be a tax exempt organization pursuant to section
36 501(c)(3) of the Internal Revenue Code of 1986, 26
37 U.S.C.s.501(c)(3) when timely and proper notice is given the
38 superintendent.

39 (2) The license or a copy certified by the issuing authority shall
40 be displayed at all times in a conspicuous place on the business
41 premises where it can be easily read.

42 (3) No firearm or imitation thereof shall be placed in any
43 window or in any other part of the premises where it can be readily
44 seen from the outside.

45 (4) No rifle or shotgun, except antique rifles or shotguns, shall
46 be delivered to any person unless such person possesses and
47 exhibits a valid firearms purchaser identification card and furnishes
48 the seller, on the form prescribed by the superintendent, a

1 certification signed by him setting forth his name, permanent
2 address, firearms purchaser identification card number and such
3 other information as the superintendent may by rule or regulation
4 require. The certification shall be retained by the dealer and shall
5 be made available for inspection by any law enforcement officer at
6 any reasonable time.

7 (5) No handgun shall be delivered to any person unless:

8 (a) Such person possesses and exhibits a valid permit to
9 purchase a firearm and at least seven days have elapsed since the
10 date of application for the permit;

11 (b) The person is personally known to the seller or presents
12 evidence of his identity;

13 (c) The handgun is unloaded and securely wrapped;

14 (d) Except as otherwise provided in subparagraph (e) of this
15 paragraph, the handgun is accompanied by a trigger lock or a locked
16 case, gun box, container or other secure facility; provided, however,
17 this provision shall not apply to antique handguns. The exemption
18 afforded under this subparagraph for antique handguns shall be
19 narrowly construed, limited solely to the requirements set forth
20 herein and shall not be deemed to afford or authorize any other
21 exemption from the regulatory provisions governing firearms set
22 forth in chapter 39 and chapter 58 of Title 2C of the New Jersey
23 Statutes; and

24 (e) On and after the first day of the sixth month following the
25 date on which the list of personalized handguns is prepared and
26 delivered pursuant to section 3 of P.L.2002, c.130 (C.2C:58-2.4),
27 the handgun is identified as a personalized handgun and included on
28 that list or is an antique handgun. The provisions of subparagraph
29 (d) of this section shall not apply to the delivery of a personalized
30 handgun.

31 (6) The dealer shall keep a true record of every handgun sold,
32 given or otherwise delivered or disposed of, in accordance with the
33 provisions of subsections b. through e. of this section and the record
34 shall note whether a trigger lock, locked case, gun box, container or
35 other secure facility was delivered along with the handgun.

36 b. Records. Every person engaged in the retail business of
37 selling, leasing or otherwise transferring a handgun, as a retail
38 dealer or otherwise, shall keep a register in which shall be entered
39 the time of the sale, lease or other transfer, the date thereof, the
40 name, age, date of birth, complexion, occupation, residence and a
41 physical description including distinguishing physical
42 characteristics, if any, of the purchaser, lessee or transferee, the
43 name and permanent home address of the person making the sale,
44 lease or transfer, the place of the transaction, and the make, model,
45 manufacturer's number, caliber and other marks of identification on
46 such handgun and such other information as the superintendent
47 shall deem necessary for the proper enforcement of this chapter.
48 The register shall be retained by the dealer and shall be made

1 available at all reasonable hours for inspection by any law
2 enforcement officer.

3 c. Forms of register. The superintendent shall prepare the form
4 of the register as described in subsection b. of this section and
5 furnish the same in triplicate to each person licensed to be engaged
6 in the business of selling, leasing or otherwise transferring firearms.

7 d. Signatures in register. The purchaser, lessee or transferee of
8 any handgun shall sign, and the dealer shall require him to sign his
9 name to the register, in triplicate, and the person making the sale,
10 lease or transfer shall affix his name, in triplicate, as a witness to
11 the signature. The signatures shall constitute a representation of the
12 accuracy of the information contained in the register.

13 e. Copies of register entries; delivery to chief of police or
14 county clerk. Within five days of the date of the sale, assignment or
15 transfer, the dealer shall deliver or mail by certified mail, return
16 receipt requested, legible copies of the register forms to the office
17 of the chief of police of the municipality in which the purchaser
18 resides, or to the office of the captain of the precinct of the
19 municipality in which the purchaser resides, and to the
20 superintendent. If hand delivered a receipt shall be given to the
21 dealer therefor.

22 Where a sale, assignment or transfer is made to a purchaser who
23 resides in a municipality having no chief of police, the dealer shall,
24 within five days of the transaction, mail a duplicate copy of the
25 register sheet to the clerk of the county within which the purchaser
26 resides.

27 (cf: P.L.2002, c.130, s.6)

28

29 3. This act shall take effect on the first day of the third month
30 following enactment.

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STATEMENT

34

35 This bill clarifies that licensed firearms dealers may lawfully
36 provide firearms for display at fund raising events sponsored by
37 nonprofit, charitable and other organizations designated as tax
38 exempt by the federal Internal Revenue Service pursuant to section
39 501(c)(3) of the federal Internal Revenue Code.