

ASSEMBLY, No. 1384

STATE OF NEW JERSEY 214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Assemblyman MICHAEL PATRICK CARROLL

District 25 (Morris)

Assemblyman ANTHONY CHIAPPONE

District 31 (Hudson)

Assemblyman JOHN DIMAIO

District 23 (Warren and Hunterdon)

Assemblywoman ALISON LITTELL MCHOSE

District 24 (Sussex, Hunterdon and Morris)

Co-Sponsored by:

Assemblywoman Voss, Assemblymen Chiusano, A.M.Bucco and Rumana

SYNOPSIS

Revises procedures for securing a permit to carry a handgun.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 1/7/2011)

A1384 CARROLL, CHIAPPONE

2

1 AN ACT concerning crime, supplementing chapter 58 of Title 2C of
2 the New Jersey Statutes, and amending N.J.S.2C:39-2,
3 N.J.S.2C:58-3 and N.J.S.2C:58-4.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. (New section) This act shall be known and may be cited as
9 the "Citizens' Protection Act."
10

11 2. (New section) The Legislature finds that:

12 **WHEREAS**, The New Jersey Constitution provides that "all persons
13 are by nature free and independent, and have certain natural and
14 unalienable rights, among which are those of enjoying and
15 defending life and liberty, of acquiring, possessing, and
16 protecting property, and of pursuing and obtaining safety and
17 happiness"; and

18 **WHEREAS**, The Superior Court of New Jersey in 1978 ruled in
19 *Wuethrich v. Delia*, that no public entity can be held liable for
20 failure to provide police protection; and

21 **WHEREAS**, In 1994, 636 New Jersey residents were victims of car-
22 jackers and these 636 victims were unable to make the personal
23 choice to carry firearms for self-defense; and

24 **WHEREAS**, An analysis of the nation's 30 "right-to-carry" states has
25 demonstrated that only three to five percent of the population
26 actually obtain permits to carry a handgun, but 95 to 97 percent
27 of the population benefits because those individuals who exhibit
28 socially aberrant behavior do not know if their intended victim is
29 armed; and

30 **WHEREAS**, The "right-to-carry" is a significant deterrent to crime,
31 as indicated by the marked reduction in crime rates experienced
32 in those states which afford their law-abiding citizens the "right-
33 to-carry" compared to those states which do not; and

34 **WHEREAS**, Aggravated assaults, for example, are 19.4 percent
35 lower in "right-to-carry" states; as are robberies (38.4 percent
36 lower), homicides (37.9 percent lower), and handgun homicides
37 (41.1 percent lower); and

38 **WHEREAS**, In California, where the "right-to-carry" is permitted in
39 certain counties, a comparison of the crime rates in those
40 counties with those which do not permit their law-abiding
41 residents to carry handguns reveals lower crime rates in the
42 "right-to-carry" counties; and

43 **WHEREAS**, The State of Florida has experienced lower crime rates
44 since enacting its "right-to-carry" statute, as reflected in that
45 state's 22 percent drop in homicides and 29 percent reduction in

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 handgun homicides; and

2 **WHEREAS**, Cognizant of the unmistakable statistical evidence
3 affirming the significant impact the "right-to-carry" has had in
4 dramatically lowering crime rates in those states and
5 jurisdictions where law-abiding citizens are permitted to carry
6 handguns; and

7 **WHEREAS**, Recognizing the natural and unalienable rights accorded
8 the citizens of this State by the New Jersey Constitution to
9 defend their lives, protect their property, and pursue and obtain
10 their safety and happiness.

11 The Legislature, therefore, declares that it is altogether fitting
12 and proper, and within the public interest, to revise the statutes of
13 this State governing the issuance of permits to carry handguns by
14 enacting the provisions of this act, the "Crime Reduction Act," so
15 that the law-abiding citizens of this State may exercise their natural
16 and unalienable rights to provide for the defense, protection and
17 safety of their families, property, and themselves by carrying a
18 handgun, if they so choose.

19

20 3. N.J.S.2C:39-2 is amended to read as follows:

21 2C:39-2. Presumptions a. Possession of firearms, weapons,
22 destructive devices, silencers, or explosives in a vehicle. When a
23 firearm, weapon, destructive device, silencer, or explosive
24 described in this chapter is found in a vehicle, it is presumed to be
25 in the possession of the occupant if there is but one. If there is more
26 than one occupant in the vehicle, it shall be presumed to be in the
27 possession of all, except under the following circumstances:

28 (1) When it is found upon the person of one of the occupants, it
29 shall be presumed to be in the possession of that occupant alone;

30 (2) When the vehicle is not a stolen one and the weapon or other
31 instrument is found out of view in a glove compartment, trunk or
32 other enclosed customary depository, it shall be presumed to be in
33 the possession of the occupant or occupants who own or have
34 authority to operate the vehicle; and

35 (3) When the vehicle is a taxicab and a weapon or other
36 instrument is found in the passenger's portion of the vehicle, it shall
37 be presumed to be in the possession of all the passengers, if there
38 are any, and if not, in the possession of the driver.

39 b. **【Licenses and permits.** When the legality of a person's
40 conduct under this chapter depends on his possession of a license or
41 permit or on his having registered with or given notice to a
42 particular person or agency, it shall be presumed that he does not
43 possess such a license or permit or has not registered or given the
44 required notice, until he establishes the contrary.】 (Deleted by
45 amendment, P.L. c.)

46 (cf: P.L.1979,c.179,s.1)

A1384 CARROLL, CHIAPPONE

1 4. N.J.S.2C:58-3 is amended to read as follows:

2 2C:58-3. Purchase of Firearms.

3 a. Permit to purchase a handgun. No person shall sell, give,
4 transfer, assign or otherwise dispose of, nor receive, purchase, or
5 otherwise acquire a handgun unless the purchaser, assignee, donee,
6 receiver or holder is licensed as a dealer under this chapter or has
7 first secured a permit to purchase a handgun as provided by this
8 section.

9 b. Firearms purchaser identification card. No person shall sell,
10 give, transfer, assign or otherwise dispose of nor receive, purchase
11 or otherwise acquire an antique cannon or a rifle or shotgun, other
12 than an antique rifle or shotgun, unless the purchaser, assignee,
13 donee, receiver or holder is licensed as a dealer under this chapter
14 or possesses a valid firearms purchaser identification card, and first
15 exhibits said card to the seller, donor, transferor or assignor, and
16 unless the purchaser, assignee, donee, receiver or holder signs a
17 written certification, on a form prescribed by the superintendent,
18 which shall indicate that he presently complies with the
19 requirements of subsection c. of this section and shall contain his
20 name, address and firearms purchaser identification card number or
21 dealer's registration number. The said certification shall be retained
22 by the seller, as provided in section 2C:58-2a., or, in the case of a
23 person who is not a dealer, it may be filed with the chief of police
24 of the municipality in which he resides or with the superintendent.

25 c. Who may obtain. No person of good character and good
26 repute in the community in which he lives, and who is not subject to
27 any of the disabilities set forth in this section or other sections of
28 this chapter, shall be denied a permit to purchase a handgun or a
29 firearms purchaser identification card, except as hereinafter set
30 forth. No handgun purchase permit or firearms purchaser
31 identification card shall be issued:

32 (1) To any person who has been convicted of any crime, or a
33 disorderly persons offense involving an act of domestic violence as
34 defined in section 3 of P.L.1991, c.261 (C.2C:25-19), whether or
35 not armed with or possessing a weapon at the time of such offense;

36 (2) To any drug dependent person as defined in section 2 of
37 P.L.1970, c.226 (C.24:21-2), to any person who is confined for a
38 mental disorder to a hospital, mental institution or sanitarium, or to
39 any person who is presently an habitual drunkard;

40 (3) To any person who suffers from a physical defect or disease
41 which would make it unsafe for him to handle firearms, to any
42 person who has ever been confined for a mental disorder, or to any
43 alcoholic unless any of the foregoing persons produces a certificate
44 of a medical doctor or psychiatrist licensed in New Jersey, or other
45 satisfactory proof, that he is no longer suffering from that particular
46 disability in such a manner that would interfere with or handicap
47 him in the handling of firearms; to any person who knowingly

- 1 falsifies any information on the application form for a handgun
2 purchase permit or firearms purchaser identification card;
- 3 (4) To any person under the age of 18 years for a firearms
4 purchaser identification card and to any person under the age of 21
5 years for a permit to purchase a handgun;
- 6 (5) **【To any person where the issuance would not be in the**
7 **interest of the public health, safety or welfare;】** (Deleted by
8 amendment, P.L. , c.).
- 9 (6) To any person who is subject to a restraining order issued
10 pursuant to the "Prevention of Domestic Violence Act of 1991,"
11 P.L.1991, c.261 (C.2C:25-17 et seq.) prohibiting the person from
12 possessing any firearm;
- 13 (7) To any person who as a juvenile was adjudicated delinquent
14 for an offense which, if committed by an adult, would constitute a
15 crime and the offense involved the unlawful use or possession of a
16 weapon, explosive or destructive device or is enumerated in
17 subsection d. of section 2 of P.L.1997, c.117 (C:2C:43-7.2); or
- 18 (8) To any person whose firearm is seized pursuant to the
19 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261
20 (C.2C:25-17 et seq.) and whose firearm has not been returned.
- 21 d. Issuance. The chief of police of an organized full-time police
22 department of the municipality where the applicant resides or the
23 superintendent, in all other cases, shall upon application, issue to
24 any person qualified under the provisions of subsection c. of this
25 section a permit to purchase a handgun or a firearms purchaser
26 identification card.
- 27 Any person aggrieved by the denial of a permit or identification
28 card may request a hearing in the Superior Court of the county in
29 which he resides if he is a resident of New Jersey or in the Superior
30 Court of the county in which his application was filed if he is a
31 nonresident. The request for a hearing shall be made in writing
32 within 30 days of the denial of the application for a permit or
33 identification card. The applicant shall serve a copy of his request
34 for a hearing upon the chief of police of the municipality in which
35 he resides, if he is a resident of New Jersey, and upon the
36 superintendent in all cases. The hearing shall be held and a record
37 made thereof within 30 days of the receipt of the application for
38 such hearing by the judge of the Superior Court. No formal
39 pleading and no filing fee shall be required as a preliminary to such
40 hearing. Appeals from the results of such hearing shall be in
41 accordance with law.
- 42 e. Applications. Applications for permits to purchase a handgun
43 and for firearms purchaser identification cards shall be in the form
44 prescribed by the superintendent and shall set forth the name,
45 residence, place of business, age, date of birth, occupation, sex and
46 physical description, including distinguishing physical
47 characteristics, if any, of the applicant, and shall state whether the

1 applicant is a citizen, whether he is an alcoholic, habitual drunkard,
2 drug dependent person as defined in section 2 of P.L.1970, c.226
3 (C.24:21-2), whether he has ever been confined or committed to a
4 mental institution or hospital for treatment or observation of a
5 mental or psychiatric condition on a temporary, interim or
6 permanent basis, giving the name and location of the institution or
7 hospital and the dates of such confinement or commitment, whether
8 he has been attended, treated or observed by any doctor or
9 psychiatrist or at any hospital or mental institution on an inpatient
10 or outpatient basis for any mental or psychiatric condition, giving
11 the name and location of the doctor, psychiatrist, hospital or
12 institution and the dates of such occurrence, whether he presently or
13 ever has been a member of any organization which advocates or
14 approves the commission of acts of force and violence to overthrow
15 the Government of the United States or of this State, or which seeks
16 to deny others their rights under the Constitution of either the
17 United States or the State of New Jersey, whether he has ever been
18 convicted of a crime or disorderly persons offense, whether the
19 person is subject to a restraining order issued pursuant to the
20 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261
21 (C.2C:25-17 et. seq.) prohibiting the person from possessing any
22 firearm, and such other information as the superintendent shall
23 deem necessary for the proper enforcement of this chapter. For the
24 purpose of complying with this subsection, the applicant shall
25 waive any statutory or other right of confidentiality relating to
26 institutional confinement. The application shall be signed by the
27 applicant and shall contain as references the names and addresses of
28 two reputable citizens personally acquainted with him.

29 Application blanks shall be obtainable from the superintendent,
30 from any other officer authorized to grant such permit or
31 identification card, and from licensed retail dealers.

32 The chief police officer or the superintendent shall obtain the
33 fingerprints of the applicant and shall have them compared with any
34 and all records of fingerprints in the municipality and county in
35 which the applicant resides and also the records of the State Bureau
36 of Identification and the Federal Bureau of Investigation, provided
37 that an applicant for a handgun purchase permit who possesses a
38 valid firearms purchaser identification card, or who has previously
39 obtained a handgun purchase permit from the same licensing
40 authority for which he was previously fingerprinted, and who
41 provides other reasonably satisfactory proof of his identity, need not
42 be fingerprinted again; however, the chief police officer or the
43 superintendent shall proceed to investigate the application to
44 determine whether or not the applicant has become subject to any of
45 the disabilities set forth in this chapter.

46 f. Granting of permit or identification card; fee; term; renewal;
47 revocation. The application for the permit to purchase a handgun
48 together with a fee of \$2.00, or the application for the firearms

1 purchaser identification card together with a fee of \$5.00, shall be
2 delivered or forwarded to the licensing authority who shall
3 investigate the same and, unless good cause for the denial thereof
4 appears, shall grant the permit or the identification card, or both, if
5 application has been made therefor, within 30 days from the date of
6 receipt of the application for residents of this State and within 45
7 days for nonresident applicants. A permit to purchase a handgun
8 shall be valid for a period of 90 days from the date of issuance and
9 may be renewed by the issuing authority for good cause for an
10 additional 90 days. A firearms purchaser identification card shall
11 be valid until such time as the holder becomes subject to any of the
12 disabilities set forth in subsection c. of this section, whereupon the
13 card shall be void and shall be returned within five days by the
14 holder to the superintendent, who shall then advise the licensing
15 authority. Failure of the holder to return the firearms purchaser
16 identification card to the superintendent within the said five days
17 shall be an offense under section 2C:39-10a. Any firearms
18 purchaser identification card may be revoked by the Superior Court
19 of the county wherein the card was issued, after hearing upon
20 notice, upon a finding that the holder thereof no longer qualifies for
21 the issuance of such permit. The county prosecutor of any county,
22 the chief police officer of any municipality or any citizen may apply
23 to such court at any time for the revocation of such card.

24 There shall be no conditions or requirements added to the form
25 or content of the application, or required by the licensing authority
26 for the issuance of a permit or identification card, other than those
27 that are specifically set forth in this chapter.

28 g. Disposition of fees. All fees for permits shall be paid to the
29 State Treasury if the permit is issued by the superintendent, to the
30 municipality if issued by the chief of police, and to the county
31 treasurer if issued by the judge of the Superior Court.

32 h. Form of permit; quadruplicate; disposition of copies. The
33 permit shall be in the form prescribed by the superintendent and
34 shall be issued to the applicant in quadruplicate. Prior to the time
35 he receives the handgun from the seller, the applicant shall deliver
36 to the seller the permit in quadruplicate and the seller shall
37 complete all of the information required on the form. Within five
38 days of the date of the sale, the seller shall forward the original
39 copy to the superintendent and the second copy to the chief of
40 police of the municipality in which the purchaser resides, except
41 that in a municipality having no chief of police, such copy shall be
42 forwarded to the superintendent. The third copy shall then be
43 returned to the purchaser with the pistol or revolver and the fourth
44 copy shall be kept by the seller as a permanent record.

45 i. Restriction on number of firearms person may purchase. Only
46 one handgun shall be purchased or delivered on each permit, but a
47 person shall not be restricted as to the number of rifles or shotguns
48 he may purchase, provided he possesses a valid firearms purchaser

1 identification card and provided further that he signs the
2 certification required in subsection b. of this section for each
3 transaction.

4 j. Firearms passing to heirs or legatees. Notwithstanding any
5 other provision of this section concerning the transfer, receipt or
6 acquisition of a firearm, a permit to purchase or a firearms
7 purchaser identification card shall not be required for the passing of
8 a firearm upon the death of an owner thereof to his heir or legatee,
9 whether the same be by testamentary bequest or by the laws of
10 intestacy. The person who shall so receive, or acquire said firearm
11 shall, however, be subject to all other provisions of this chapter. If
12 the heir or legatee of such firearm does not qualify to possess or
13 carry it, he may retain ownership of the firearm for the purpose of
14 sale for a period not exceeding 180 days, or for such further limited
15 period as may be approved by the chief law enforcement officer of
16 the municipality in which the heir or legatee resides or the
17 superintendent, provided that such firearm is in the custody of the
18 chief law enforcement officer of the municipality or the
19 superintendent during such period.

20 k. Sawed-off shotguns. Nothing in this section shall be
21 construed to authorize the purchase or possession of any sawed-off
22 shotgun.

23 l. Nothing in this section and in N.J.S.2C:58-2 shall apply to the
24 sale or purchase of a visual distress signalling device approved by
25 the United States Coast Guard, solely for possession on a private or
26 commercial aircraft or any boat; provided, however, that no person
27 under the age of 18 years shall purchase nor shall any person sell to
28 a person under the age of 18 years such a visual distress signalling
29 device.

30 (cf: P.L.2003, c.277, s.4)

31

32 5. N.J.S.2C:58-4 is amended to read as follows:

33 2C:58-4. Permits to carry handguns a. Scope and duration of
34 authority. Any person who holds a valid permit to carry a handgun
35 issued pursuant to this section shall be authorized to carry a
36 handgun in all parts of this State, except as prohibited by section
37 2C:39-5e. One permit shall be sufficient for all handguns owned or
38 possessed by the holder thereof, but the permit shall apply only to a
39 handgun carried by the actual and legal holder of the permit.

40 All permits to carry handguns shall expire **[2] 5** years from the
41 date of issuance **[or, in the case of an employee of an armored car**
42 **company, upon termination of his employment by the company**
43 **occurring prior thereto whichever is earlier in time,]** and they may
44 thereafter be renewed every **[2] 5** years in the same manner and
45 subject to the same conditions as in the case of original
46 applications.

1 b. Application forms. All applications for permits to carry
2 handguns, and all applications for renewal of such permits, shall be
3 made on the forms prescribed by the superintendent. Each
4 application shall set forth the full name, date of birth, sex,
5 residence, occupation, place of business or employment, and
6 physical description of the applicant[, and such other information
7 as the superintendent may prescribe for the determination of the
8 applicant's eligibility for a permit and for the proper enforcement of
9 this chapter]. To demonstrate completion of the requirement in
10 paragraph (6) of subsection d. of this section, the applicant shall
11 attach to the application a photocopy of a certificate of completion
12 of the course or class; an affidavit from the instructor, school, club,
13 organization, or group that conducted or taught the course or class
14 attesting to the completion of the course or class by the applicant;
15 or a copy of any document which shows completion. The applicant
16 shall provide two frontal view photographs of himself. The
17 photographs shall have been taken within the preceding 30 days
18 and shall be of a size and style specified by the superintendent.
19 The application shall be signed by the applicant[under oath, and
20 shall be indorsed by three reputable persons who have known the
21 applicant for at least 3 years preceding the date of application, and
22 who shall certify thereon that the applicant is a person of good
23 moral character and behavior], who shall attest under penalty of
24 perjury that all of the statements thereon are true. The
25 superintendent shall not add any requirements to the application
26 which are not specifically authorized in this subsection.

27 c. Investigation and approval. Each application shall in the first
28 instance be submitted to the chief police officer of the municipality
29 in which the applicant resides, or to the superintendent, [(1) if the
30 applicant is an employee of an armored car company, or (2)] if
31 there is no chief police officer in the municipality where the
32 applicant resides[,] or [(3)] if the applicant does not reside in this
33 State. The chief police officer, or the superintendent, as the case
34 may be, shall cause the fingerprints of the applicant to be taken and
35 compared with any and all records maintained by the municipality,
36 the county in which it is located, the State Bureau of Identification
37 and the Federal Bureau of Identification. [He shall also determine
38 and record a complete description of each handgun the applicant
39 intends to carry] The permit may not specifically identify a
40 handgun by make, model or serial number.

41 No application shall be approved by the chief police officer or
42 the superintendent [unless the applicant demonstrates that he is
43 not] if the applicant is subject to any of the disabilities set forth in
44 N.J.S.2C:58-3c.,[that he is thoroughly familiar with the safe
45 handling and use of handguns, and that he has a justifiable need to
46 carry a handgun] which would prohibit the applicant from

1 obtaining a firearms purchaser identification card or a permit to
2 purchase a handgun, or if he does not meet the additional
3 requirements set forth in subsection d. of this section. If the
4 application is not approved by the chief police officer or the
5 superintendent within 60 days of filing, it shall be deemed to have
6 been approved, unless the applicant agrees to an extension of time
7 in writing. If the application is approved by the chief police officer
8 or the superintendent, as the case may be, the applicant shall at the
9 time of issuance pay a fee of \$20 for the five year permit. The fee
10 for renewal of the five year permit shall be \$20.

11 d. [Issuance by Superior Court; fee. If the application has been
12 approved by the chief police officer or the superintendent, as the
13 case may be, the applicant shall forthwith present it to the Superior
14 Court of the county in which the applicant resides, or to the
15 Superior Court in any county where he intends to carry a handgun,
16 in the case of a nonresident or employee of an armored car
17 company. The court shall issue the permit to the applicant if, but
18 only if, it is satisfied that the applicant is a person of good character
19 who is not subject to any of the disabilities set forth in section
20 2C:58-3c., that he is thoroughly familiar with the safe handling and
21 use of handguns, and that he has a justifiable need to carry a
22 handgun. The court may at its discretion issue a limited-type
23 permit which would restrict the applicant as to the types of
24 handguns he may carry and where and for what purposes such
25 handguns may be carried. At the time of issuance, the applicant
26 shall pay to the county clerk of the county where the permit was
27 issued a permit fee of \$20.00.] Requirements for the issuance of a
28 permit. A permit to carry a handgun shall be issued by the chief
29 police officer of the municipality in which the applicant resides or
30 the superintendent, as the case may be, if the applicant is not
31 subject to any of the disabilities set forth in subsection c. of
32 N.J.S.2C:58-3 and if the following additional requirements are
33 satisfied:

34 (1) The applicant is a citizen of the United States.

35 (2) The applicant is 21 years of age or older.

36 (3) The applicant has not been found guilty of a crime under the
37 provisions of N.J.S.2C:35-1 et seq. or the similar laws of any other
38 state concerning controlled substances within a five year period
39 immediately preceding the date on which the application is
40 submitted.

41 (4) The applicant does not chronically and habitually use
42 alcoholic beverages or other substances to the extent that his normal
43 faculties are impaired. It shall be presumed that an applicant
44 chronically and habitually uses alcoholic beverages or other
45 substances to the extent that his normal faculties are impaired if the
46 applicant has been placed in a rehabilitation program or committed
47 under N.J.S.2C:35-14, has been treated as an alcoholic at a facility

1 under P.L.1975, c.453 (C.26:2B-7 et seq.), or has had one or more
2 convictions or refusals to submit to chemical tests under R.S.39:4-
3 50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) or a similar law of
4 any other state within the five year period immediately preceding
5 the date on which the application is submitted.

6 (5) The applicant has not, in the past, suffered from a physical
7 defect or disease which would make it unsafe for him to handle
8 firearms, been confined for a mental disorder or been an alcoholic,
9 unless the applicant produces a certificate of a medical doctor or
10 psychiatrist licensed in New Jersey, or other satisfactory proof, that
11 the applicant has not suffered from the aforementioned disability
12 for a period of five years.

13 (6) The applicant demonstrates competence with a firearm by
14 any one of the following: completion of any National Rifle
15 Association firearms safety or training course; completion of any
16 firearms safety or training course or class available to the general
17 public offered by a law enforcement organization, junior college,
18 college, university, or firearms training school; completion of any
19 law enforcement firearms safety or training course or class offered
20 for security guards, investigators, special deputies, or any division
21 or subdivision of law enforcement or security enforcement; presents
22 evidence of equivalent experience with a firearm through military
23 service; or is licensed or has been licensed to carry a firearm in this
24 State pursuant to N.J.S.2C:58-4, unless such license has been
25 revoked for cause. For the purposes of this subsection, a firearms
26 safety or training course or class shall consist of at least eight
27 program hours. Evidence of qualification under this paragraph shall
28 include: a photocopy of a certificate of completion of the course or
29 class; an affidavit from the instructor, school, club, organization, or
30 group that conducted or taught the course or class attesting to the
31 completion of the course or class by the applicant; or a copy of any
32 document which shows completion of the course or class.

33 e. Appeals from denial of applications. Any person aggrieved
34 by the denial by the chief police officer or the superintendent of
35 approval for a permit to carry a handgun may request a hearing in
36 the Superior Court of the county in which he resides, the county in
37 which his business is located, in the case of a nonresident who
38 maintains a place of business in this State, or in any county in
39 which he intends to carry a handgun, in the case of a nonresident
40 who is required to carry a handgun as a condition of employment,
41 by filing a written request for such a hearing within 30 days of the
42 denial. Copies of the request shall be served upon the
43 superintendent, the county prosecutor and the chief police officer of
44 the municipality where the applicant resides, if he is a resident of
45 this State. The hearing shall be held within 30 days of the filing of
46 the request, and no formal pleading or filing fee shall be required.
47 Appeals from the determination at such a hearing shall be in
48 accordance with law and the rules governing the courts of this State.

1 【If the superintendent or chief police officer approves an
2 application and the Superior Court denies the application and
3 refuses to issue a permit, the applicant may appeal such denial in
4 accordance with law and the rules governing the courts of this
5 State.】

6 f. Revocation of permits. Any permit issued under this section
7 shall be void at such time as the holder thereof becomes subject to
8 any of the disabilities set forth in 【section】 N.J.S.2C:58-3c【.】 or
9 fails to comply with the additional requirements set forth in
10 subsection d. of this section, and the holder of such a void permit
11 shall immediately surrender the permit to the superintendent who
12 shall give notice to the licensing authority.

13 Any permit may be revoked by the Superior Court, after hearing
14 upon notice to the holder, if the court finds that the holder is no
15 longer qualified for the issuance of such a permit. The county
16 prosecutor of any county, the chief police officer of any
17 municipality, the superintendent or any citizen may apply to the
18 court at any time for the revocation of any permit issued pursuant to
19 this section.

20 (cf: P.L.1981, c.135, s.1)

21

22 6. This act shall take effect on the first day of the second month
23 following enactment.

24

25

26

STATEMENT

27

28 This bill, the "Citizens' Protection Act," revises and simplifies
29 the procedures for securing a permit to carry a handgun in the State
30 of New Jersey.

31 Under the provisions of the bill, an applicant for a permit to
32 carry a handgun would be entitled to that permit so long as he can
33 demonstrate competence with a firearm and is not statutorily
34 disqualified. To demonstrate that competence, the applicant would
35 be required to include, as part of his application for the permit, a
36 copy indicating his successful completion of a firearms safety or
37 training course or class offered by a law enforcement agency, an
38 educational institution, the military, or the National Rifle
39 Association. An applicant who holds a permit to carry is deemed
40 competent and need not submit such evidence.

41 Among the disqualifications set forth in the bill are the statutory
42 disabilities which currently prohibit an individual from obtaining
43 either a permit to purchase a handgun or a firearms purchaser
44 identification card: a crime involving controlled substances; a
45 condition involving chronic and habitual alcoholic or drug abuse;
46 or some other physical or mental condition or disease which would
47 make it unsafe for the individual to obtain a permit to carry a

1 handgun.

2 The bill also extends the term during which a permit to carry
3 remains valid. At present, a permit to carry remains valid for two
4 years; under this bill, a permit would be valid for five years.

5 Finally, the bill deletes subsection b. of N.J.S.2C:39-2 which
6 provided that with regard to any firearm permit or license, an
7 individual was deemed to be in violation of the law "until he
8 establishes the contrary." This approach is inconsistent with
9 traditional American legal jurisprudence and, therefore, should be
10 ended.

11 In its current form, the law governing the issuance of permits to
12 carry a handgun requires an applicant to demonstrate to the
13 Superior Court a "justifiable need" in order to obtain a such permit.
14 The court's interpretation of what constitutes a "justifiable need"
15 makes it virtually impossible for citizens of New Jersey to obtain
16 permits to carry.

17 The "right-to-carry" can serve as a significant deterrent to crime.
18 An analysis of the nation's 30 "right-to-carry" states has revealed a
19 significant reduction in crime in those states compared with the
20 national average. For example, aggravated assaults are 19.4 percent
21 lower in "right-to-carry" states; robbery is 38.4 percent lower;
22 homicide is 37.9 percent lower; and handgun homicide is 41.1
23 percent lower. In California, where the "right-to-carry" is permitted
24 in certain counties, a comparison of the crime rates in those
25 counties with those which do not permit their residents to carry
26 reveals lower crime rates in the "right-to-carry" counties. Similarly,
27 Florida has experienced lower crime rates since enacting its "right-
28 to-carry" statute. The homicide rate in Florida has dropped 22
29 percent; the handgun homicide rate is down 29 percent. Finally,
30 even convicted robbers have indicated that if they suspected that a
31 potential victim might be armed they would probably look for
32 someone else to rob.