

# SENATE, No. 1784

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED MARCH 15, 2010

**Sponsored by:**

**Senator GERALD CARDINALE**

**District 39 (Bergen)**

**Senator STEVEN V. OROHO**

**District 24 (Sussex, Hunterdon and Morris)**

**Co-Sponsored by:**

**Senator A.R.Bucco**

**SYNOPSIS**

Revises procedures for securing a permit to carry a handgun.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 10/1/2010)**

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 and Crime Reduction Act of 2004."

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 denied the right to obtain a  
23 permit 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

12 The Legislature, therefore, declares that it is altogether fitting  
13 and proper, and within the public interest, to revise the statutes of  
14 this State governing the issuance of permits to carry handguns by  
15 enacting the provisions of this act, the "Crime Reduction Act of  
16 1997," so that the law-abiding citizens of this State may exercise  
17 their natural and unalienable rights to provide for the defense,  
18 protection and safety of their families, property, and themselves by  
19 carrying a handgun, if they so choose.

20

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

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

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

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

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

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

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

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

2       2C:58-3. a. Permit to purchase a handgun. No person shall sell,  
3 give, transfer, assign or otherwise dispose of, nor receive, purchase,  
4 or otherwise acquire a handgun unless the purchaser, assignee,  
5 donee, receiver or holder is licensed as a dealer under this chapter  
6 or has first secured a permit to purchase a handgun as provided by  
7 this section.

8       b. Firearms purchaser identification card. No person shall sell,  
9 give, transfer, assign or otherwise dispose of nor receive, purchase  
10 or otherwise acquire an antique cannon or a rifle or shotgun, other  
11 than an antique rifle or shotgun, unless the purchaser, assignee,  
12 donee, receiver or holder is licensed as a dealer under this chapter  
13 or possesses a valid firearms purchaser identification card, and first  
14 exhibits said card to the seller, donor, transferor or assignor, and  
15 unless the purchaser, assignee, donee, receiver or holder signs a  
16 written certification, on a form prescribed by the superintendent,  
17 which shall indicate that he presently complies with the  
18 requirements of subsection c. of this section and shall contain his  
19 name, address and firearms purchaser identification card number or  
20 dealer's registration number. The said certification shall be retained  
21 by the seller, as provided in paragraph (4) of subsection a. of  
22 N.J.S.2C:58-2, or, in the case of a person who is not a dealer, it may  
23 be filed with the chief of police of the municipality in which he  
24 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  
48 falsifies any information on the application form for a handgun

1 purchase permit or firearms purchaser identification card;

2 (4) To any person under the age of 18 years for a firearms  
3 purchaser identification card and to any person under the age of 21  
4 years for a permit to purchase a handgun;

5 (5) ~~【To any person where the issuance would not be in the  
6 interest of the public health, safety or welfare;】~~ (Deleted by  
7 amendment, P.L. , c. ) or

8 (6) To any person who is subject to a restraining order issued  
9 pursuant to the "Prevention of Domestic Violence Act of 1991,"  
10 P.L.1991, c.261 (C.2C:25-17 et seq.) prohibiting the person from  
11 possessing any firearm;

12 (7) To any person who as a juvenile was adjudicated delinquent  
13 for an offense which, if committed by an adult, would constitute a  
14 crime and the offense involved the unlawful use or possession of a  
15 weapon, explosive or destructive device or is enumerated in  
16 subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2); or

17 (8) To any person whose firearm is seized pursuant to the  
18 "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261  
19 (C.2C:25-17 et seq.) and whose firearm has not been returned.

20 d. Issuance. The chief of police of an organized full-time  
21 police department of the municipality where the applicant resides or  
22 the superintendent, in all other cases, shall upon application, issue  
23 to any person qualified under the provisions of subsection c. of this  
24 section a permit to purchase a handgun or a firearms purchaser  
25 identification card.

26 Any person aggrieved by the denial of a permit or identification  
27 card may request a hearing in the Superior Court of the county in  
28 which he resides if he is a resident of New Jersey or in the Superior  
29 Court of the county in which his application was filed if he is a  
30 nonresident. The request for a hearing shall be made in writing  
31 within 30 days of the denial of the application for a permit or  
32 identification card. The applicant shall serve a copy of his request  
33 for a hearing upon the chief of police of the municipality in which  
34 he resides, if he is a resident of New Jersey, and upon the  
35 superintendent in all cases. The hearing shall be held and a record  
36 made thereof within 30 days of the receipt of the application for  
37 such hearing by the judge of the Superior Court. No formal  
38 pleading and no filing fee shall be required as a preliminary to such  
39 hearing. Appeals from the results of such hearing shall be in  
40 accordance with law.

41 e. Applications. Applications for permits to purchase a  
42 handgun and for firearms purchaser identification cards shall be in  
43 the form prescribed by the superintendent and shall set forth the  
44 name, residence, place of business, age, date of birth, occupation,  
45 sex and physical description, including distinguishing physical  
46 characteristics, if any, of the applicant, and shall state whether the  
47 applicant is a citizen, whether he is an alcoholic, habitual drunkard,  
48 drug dependent person as defined in section 2 of P.L.1970, c.226

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

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

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

44 f. Granting of permit or identification card; fee; term; renewal;  
45 revocation. The application for the permit to purchase a handgun  
46 together with a fee of \$2, or the application for the firearms  
47 purchaser identification card together with a fee of \$5, shall be  
48 delivered or forwarded to the licensing authority who shall

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

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

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

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

44 i. Restriction on number of firearms person may purchase.  
45 Only one handgun shall be purchased or delivered on each permit  
46 and no more than one handgun shall be purchased within any 30-  
47 day period, but this limitation shall not apply to:

48 (1) a federal, State or local law enforcement officer or agency

1 purchasing handguns for use by officers in the actual performance  
2 of their law enforcement duties;

3 (2) a collector of handguns as curios or relics as defined in Title  
4 18, United States Code, section 921 (a) (13) who has in his  
5 possession a valid Collector of Curios and Relics License issued by  
6 the federal Bureau of Alcohol, Tobacco, Firearms and Explosives;

7 (3) transfers of handguns among licensed retail dealers,  
8 registered wholesale dealers and registered manufacturers

9 (4) transfers of handguns from any person to a licensed retail  
10 dealer or a registered wholesale dealer or registered manufacturer.

11 The provisions of this subsection shall not be construed to afford  
12 or authorize any other exemption from the regulatory provisions  
13 governing firearms set forth in chapter 39 and chapter 58 of Title  
14 2C of the New Jersey Statutes;

15 (5) any transaction where the person has purchased a handgun  
16 from a licensed retail dealer and has returned that handgun to the  
17 dealer in exchange for another handgun within 30 days of the  
18 original transaction, provided the retail dealer reports the exchange  
19 transaction to the superintendent; or

20 (6) any transaction where the superintendent issues an  
21 exemption from the prohibition in this subsection pursuant to the  
22 provisions of section 4 of P.L.2009, c.186 (C.2C:58-3.4).

23 A person shall not be restricted as to the number of rifles or  
24 shotguns he may purchase, provided he possesses a valid firearms  
25 purchaser identification card and provided further that he signs the  
26 certification required in subsection b. of this section for each  
27 transaction.

28 j. Firearms passing to heirs or legatees. Notwithstanding any  
29 other provision of this section concerning the transfer, receipt or  
30 acquisition of a firearm, a permit to purchase or a firearms  
31 purchaser identification card shall not be required for the passing of  
32 a firearm upon the death of an owner thereof to his heir or legatee,  
33 whether the same be by testamentary bequest or by the laws of  
34 intestacy. The person who shall so receive, or acquire said firearm  
35 shall, however, be subject to all other provisions of this chapter. If  
36 the heir or legatee of such firearm does not qualify to possess or  
37 carry it, he may retain ownership of the firearm for the purpose of  
38 sale for a period not exceeding 180 days, or for such further limited  
39 period as may be approved by the chief law enforcement officer of  
40 the municipality in which the heir or legatee resides or the  
41 superintendent, provided that such firearm is in the custody of the  
42 chief law enforcement officer of the municipality or the  
43 superintendent during such period.

44 k. Sawed-off shotguns. Nothing in this section shall be  
45 construed to authorize the purchase or possession of any sawed-off  
46 shotgun.

47 l. Nothing in this section and in N.J.S.2C:58-2 shall apply to  
48 the sale or purchase of a visual distress signalling device approved

1 by the United States Coast Guard, solely for possession on a private  
2 or commercial aircraft or any boat; provided, however, that no  
3 person under the age of 18 years shall purchase nor shall any person  
4 sell to a person under the age of 18 years such a visual distress  
5 signalling device.

6 (cf: P.L.2009, c.186, s.2)

7

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

9 2C:58-4. Permits to carry handguns. a. Scope and duration of  
10 authority. Any person who holds a valid permit to carry a handgun  
11 issued pursuant to this section shall be authorized to carry a  
12 handgun in all parts of this State, except as prohibited by section  
13 2C:39-5e. One permit shall be sufficient for all handguns owned or  
14 possessed by the holder thereof, but the permit shall apply only to a  
15 handgun carried by the actual and legal holder of the permit.

16 All permits to carry handguns shall expire **[2] 5** years from the  
17 date of issuance **[or, in the case of an employee of an armored car**  
18 **company, upon termination of his employment by the company**  
19 **occurring prior thereto whichever is earlier in time,]** and they may  
20 thereafter be renewed every **[2] 5** years in the same manner and  
21 subject to the same conditions as in the case of original  
22 applications.

23 b. Application forms. All applications for permits to carry  
24 handguns, and all applications for renewal of such permits, shall be  
25 made on the forms prescribed by the superintendent. Each  
26 application shall set forth the full name, date of birth, sex,  
27 residence, occupation, place of business or employment, and  
28 physical description of the applicant**],** and such other information  
29 as the superintendent may prescribe for the determination of the  
30 applicant's eligibility for a permit and for the proper enforcement of  
31 this chapter**].** To demonstrate completion of the requirement in  
32 paragraph (6) of subsection d. of this section, the applicant shall  
33 attach to the application a photocopy of a certificate of completion  
34 of the course or class; an affidavit from the instructor, school, club,  
35 organization, or group that conducted or taught the course or class  
36 attesting to the completion of the course or class by the applicant;  
37 or a copy of any document which shows completion. The applicant  
38 shall provide two frontal view photographs of himself. The  
39 photographs shall have been taken within the preceding 30 days and  
40 shall be of a size and style specified by the superintendent. The  
41 application shall be signed by the applicant **[under oath, and shall**  
42 **be indorsed by three reputable persons who have known the**  
43 **applicant for at least 3 years preceding the date of application, and**  
44 **who shall certify thereon that the applicant is a person of good**  
45 **moral character and behavior],** who shall attest under penalty of  
46 perjury that all of the statements thereon are true. The  
47 superintendent shall not add any requirements to the application

1 which are not specifically authorized in this subsection.

2 c. Investigation and approval. Each application shall in the  
3 first instance be submitted to the chief police officer of the  
4 municipality in which the applicant resides, or to the  
5 superintendent, [(1) if the applicant is an employee of an armored  
6 car company, or (2)] if there is no chief police officer in the  
7 municipality where the applicant resides[, ] or [(3)] if the applicant  
8 does not reside in this State. The chief police officer, or the  
9 superintendent, as the case may be, shall cause the fingerprints of  
10 the applicant to be taken and compared with any and all records  
11 maintained by the municipality, the county in which it is located,  
12 the State Bureau of Identification and the Federal Bureau of  
13 Identification. [He shall also determine and record a complete  
14 description of each handgun the applicant intends to carry] The  
15 permit may not specifically identify a handgun by make, model or  
16 serial number.

17 No application shall be approved by the chief police officer or  
18 the superintendent [unless the applicant demonstrates that he is  
19 not] if the applicant is subject to any of the disabilities set forth in  
20 [2C:58-3c., that he is thoroughly familiar with the safe handling  
21 and use of handguns, and that he has a justifiable need to carry a  
22 handgun] subsection c. of N.J.S.2C:58-3 which would prohibit the  
23 applicant from obtaining a firearms purchaser identification card or  
24 a permit to purchase a handgun, or if he does not meet the  
25 additional requirements set forth in subsection d. of this section. If  
26 the application is not approved by the chief police officer or the  
27 superintendent within 60 days of filing, it shall be deemed to have  
28 been approved, unless the applicant agrees to an extension of time  
29 in writing. If the application is approved by the chief police officer  
30 or the superintendent, as the case may be, the applicant shall at the  
31 time of issuance pay a fee of \$20 for the five year permit. The fee  
32 for renewal of the five year permit shall be \$20.

33 d. [Issuance by Superior Court; fee. If the application has been  
34 approved by the chief police officer or the superintendent, as the  
35 case may be, the applicant shall forthwith present it to the Superior  
36 Court of the county in which the applicant resides, or to the  
37 Superior Court in any county where he intends to carry a handgun,  
38 in the case of a nonresident or employee of an armored car  
39 company. The court shall issue the permit to the applicant if, but  
40 only if, it is satisfied that the applicant is a person of good character  
41 who is not subject to any of the disabilities set forth in section  
42 2C:58-3c., that he is thoroughly familiar with the safe handling and  
43 use of handguns, and that he has a justifiable need to carry a  
44 handgun. The court may at its discretion issue a limited-type permit  
45 which would restrict the applicant as to the types of handguns he  
46 may carry and where and for what purposes such handguns may be  
47 carried. At the time of issuance, the applicant shall pay to the

1 county clerk of the county where the permit was issued a permit fee  
2 of \$20.00.】 Requirements for the issuance of a permit. A permit to  
3 carry a handgun shall be issued by the chief police officer of the  
4 municipality in which the applicant resides or the superintendent, as  
5 the case may be, if the applicant is not subject to any of the  
6 disabilities set forth in subsection c. of N.J.S.2C:58-3 and if the  
7 following additional requirements are satisfied:

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

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

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

15 (4) The applicant does not chronically and habitually use  
16 alcoholic beverages or other substances to the extent that his normal  
17 faculties are impaired. It shall be presumed that an applicant  
18 chronically and habitually uses alcoholic beverages or other  
19 substances to the extent that his normal faculties are impaired if the  
20 applicant has been placed in a rehabilitation program or committed  
21 under N.J.S.2C:35-14, has been treated as an alcoholic at a facility  
22 under P.L.1975, c.453 (C.26:2B-7 et seq.), or has had one or more  
23 convictions or refusals to submit to chemical tests under R.S.39:4-  
24 50 or section 2 of P.L.1981, c.512 (C.39:4-50.4a) or a similar law of  
25 any other state within the five year period immediately preceding  
26 the date on which the application is submitted.

27 (5) The applicant has not, in the past, suffered from a physical  
28 defect or disease which would make it unsafe for him to handle  
29 firearms, been confined for a mental disorder or been an alcoholic,  
30 unless the applicant produces a certificate of a medical doctor or  
31 psychiatrist licensed in New Jersey, or other satisfactory proof, that  
32 the applicant has not suffered from the aforementioned disability  
33 for a period of five years.

34 (6) The applicant demonstrates competence with a firearm by  
35 any one of the following: completion of any National Rifle  
36 Association firearms safety or training course; completion of any  
37 firearms safety or training course or class available to the general  
38 public offered by a law enforcement organization, junior college,  
39 college, university, or firearms training school; completion of any  
40 law enforcement firearms safety or training course or class offered  
41 for security guards, investigators, special deputies, or any division  
42 or subdivision of law enforcement or security enforcement; presents  
43 evidence of equivalent experience with a firearm through military  
44 service; or is licensed or has been licensed to carry a firearm in this  
45 State pursuant to N.J.S.2C:58-4, unless such license has been  
46 revoked for cause. For the purposes of this subsection, a firearms  
47 safety or training course or class shall consist of at least eight  
48 program hours. Evidence of qualification under this paragraph shall

1 include: a photocopy of a certificate of completion of the course or  
2 class; an affidavit from the instructor, school, club, organization, or  
3 group that conducted or taught the course or class attesting to the  
4 completion of the course or class by the applicant; or a copy of any  
5 document which shows completion of the course or class.

6 e. Appeals from denial of applications. Any person aggrieved  
7 by the denial by the chief police officer or the superintendent of  
8 approval for a permit to carry a handgun may request a hearing in  
9 the Superior Court of the county in which he resides, the county in  
10 which his business is located, in the case of a nonresident who  
11 maintains a place of business in this State, or in any county in  
12 which he intends to carry a handgun, in the case of a nonresident  
13 who is required to carry a handgun as a condition of employment,  
14 by filing a written request for such a hearing within 30 days of the  
15 denial. Copies of the request shall be served upon the  
16 superintendent, the county prosecutor and the chief police officer of  
17 the municipality where the applicant resides, if he is a resident of  
18 this State. The hearing shall be held within 30 days of the filing of  
19 the request, and no formal pleading or filing fee shall be required.  
20 Appeals from the determination at such a hearing shall be in  
21 accordance with law and the rules governing the courts of this State.

22 **【If the superintendent or chief police officer approves an**  
23 **application and the Superior Court denies the application and**  
24 **refuses to issue a permit, the applicant may appeal such denial in**  
25 **accordance with law and the rules governing the courts of this**  
26 **State.】**

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

34 Any permit may be revoked by the Superior Court, after hearing  
35 upon notice to the holder, if the court finds that the holder is no  
36 longer qualified for the issuance of such a permit. The county  
37 prosecutor of any county, the chief police officer of any  
38 municipality, the superintendent or any citizen may apply to the  
39 court at any time for the revocation of any permit issued pursuant to  
40 this section.

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

42  
43 6. This act shall take effect on the first day of the second month  
44 following enactment.

STATEMENT

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48

This bill, the "Citizens' Protection and Crime Reduction Act of 2004," revises and simplifies the procedures for securing a permit to carry a handgun in the State of New Jersey.

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

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

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

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

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

The "right-to-carry" can serve as a significant deterrent to crime. An analysis of the nation's 30 "right-to-carry" states has revealed a significant reduction in crime in those states compared with the national average. For example, aggravated assaults are 19.4 percent lower in "right-to-carry" states; robbery is 38.4 percent lower; homicide is 37.9 percent lower; and handgun homicide is 41.1 percent lower. In California, where the "right-to-carry" is permitted in certain counties, a comparison of the crime rates in those counties with those which do not permit their residents to carry reveals lower crime rates in the "right-to-carry" counties. Similarly,

**S1784** CARDINALE, OROHO

14

1 Florida has experienced lower crime rates since enacting its "right-  
2 to-carry" statute. The homicide rate in Florida has dropped 22  
3 percent; the handgun homicide rate is down 29 percent. Finally,  
4 even convicted robbers have indicated that if they suspected that a  
5 potential victim might be armed they would probably look for  
6 someone else to rob.