

[First Reprint]

**SENATE, No. 1453**

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**STATE OF NEW JERSEY**  
**210th LEGISLATURE**

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INTRODUCED MAY 13, 2002

**Sponsored by:**

**Senator LEONARD T. CONNORS, JR.**

**District 9 (Atlantic, Burlington and Ocean)**

**Senator STEPHEN M. SWEENEY**

**District 3 (Salem, Cumberland and Gloucester)**

**Assemblyman DOUGLAS H. FISHER**

**District 3 (Salem, Cumberland and Gloucester)**

**Assemblyman JOHN J. BURZICHELLI**

**District 3 (Salem, Cumberland and Gloucester)**

**Assemblyman JEFFREY W. MORAN**

**District 9 (Atlantic, Burlington and Ocean)**

**Co-Sponsored by:**

**Senator Sacco and Assemblyman Connors**

**SYNOPSIS**

Authorizes nuclear plant guards to possess certain firearms and ammunition.

**CURRENT VERSION OF TEXT**

As reported by the Senate Law and Public Safety and Veterans' Affairs Committee on May 19, 2003, with amendments.

(Sponsorship Updated As Of: 6/24/2003)

1 AN ACT concerning firearms, and amending N.J.S.2C:39-3 and  
2 N.J.S.2C:39-6.

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:39-3 is amended to read as follows:

8 2C:39-3. Prohibited Weapons and Devices.

9 a. Destructive devices. Any person who knowingly has in his  
10 possession any destructive device is guilty of a crime of the third  
11 degree.

12 b. Sawed-off shotguns. Any person who knowingly has in his  
13 possession any sawed-off shotgun is guilty of a crime of the third  
14 degree.

15 c. Silencers. Any person who knowingly has in his possession any  
16 firearm silencer is guilty of a crime of the fourth degree.

17 d. Defaced firearms. Any person who knowingly has in his  
18 possession any firearm which has been defaced, except an antique  
19 firearm or an antique handgun, is guilty of a crime of the fourth  
20 degree.

21 e. Certain weapons. Any person who knowingly has in his  
22 possession any gravity knife, switchblade knife, dagger, dirk, stiletto,  
23 billy, blackjack, metal knuckle, sandclub, slingshot, cestus or similar  
24 leather band studded with metal filings or razor blades imbedded in  
25 wood, ballistic knife, without any explainable lawful purpose, is guilty  
26 of a crime of the fourth degree.

27 f. Dum-dum or body armor penetrating bullets. (1) Any person,  
28 other than a law enforcement officer or persons engaged in activities  
29 pursuant to subsection f. of N.J.S.2C:39-6, who knowingly has in his  
30 possession any hollow nose or dum-dum bullet, or (2) any person,  
31 other than a collector of firearms or ammunition as curios or relics as  
32 defined in Title 18, United States Code, section 921 (a) (13) and has  
33 in his possession a valid Collector of Curios and Relics License issued  
34 by the Bureau of Alcohol, Tobacco and Firearms, who knowingly has  
35 in his possession any body armor breaching or penetrating ammunition,  
36 which means: (a) ammunition primarily designed for use in a handgun,  
37 and (b) which is comprised of a bullet whose core or jacket, if the  
38 jacket is thicker than .025 of an inch, is made of tungsten carbide, or  
39 hard bronze, or other material which is harder than a rating of 72 or  
40 greater on the Rockwell B. Hardness Scale, and © is therefore capable  
41 of breaching or penetrating body armor, is guilty of a crime of the  
42 fourth degree. For purposes of this section, a collector may possess

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

**<sup>1</sup> Senate SLP committee amendments adopted May 19, 2003.**

1 not more than three examples of each distinctive variation of the  
2 ammunition described above. A distinctive variation includes a  
3 different head stamp, composition, design, or color.

4 g. Exceptions. (1) Nothing in subsection a., b., c., d., e., f., j. or  
5 k. of this section shall apply to any member of the Armed Forces of the  
6 United States or the National Guard, or except as otherwise provided,  
7 to any law enforcement officer while actually on duty or traveling to  
8 or from an authorized place of duty, provided that his possession of  
9 the prohibited weapon or device has been duly authorized under the  
10 applicable laws, regulations or military or law enforcement orders.  
11 Nothing in subsection h. of this section shall apply to any law  
12 enforcement officer who is exempted from the provisions of that  
13 subsection by the Attorney General. Nothing in this section shall apply  
14 to the possession of any weapon or device by a law enforcement  
15 officer who has confiscated, seized or otherwise taken possession of  
16 said weapon or device as evidence of the commission of a crime or  
17 because he believed it to be possessed illegally by the person from  
18 whom it was taken, provided that said law enforcement officer  
19 promptly notifies his superiors of his possession of such prohibited  
20 weapon or device.

21 (2) a. Nothing in subsection f. (1) shall be construed to prevent a  
22 person from keeping such ammunition at his dwelling, premises or  
23 other land owned or possessed by him, or from carrying such  
24 ammunition from the place of purchase to said dwelling or land, nor  
25 shall subsection f. (1) be construed to prevent any licensed retail or  
26 wholesale firearms dealer from possessing such ammunition at its  
27 licensed premises, provided that the seller of any such ammunition  
28 shall maintain a record of the name, age and place of residence of any  
29 purchaser who is not a licensed dealer, together with the date of sale  
30 and quantity of ammunition sold.

31 b. Nothing in subsection f.(1) shall be construed to prevent a  
32 designated <sup>1</sup>[, full-time security]<sup>1</sup> employee <sup>1</sup>or designated licensed  
33 agent<sup>1</sup> for a nuclear power plant under the license of the Nuclear  
34 Regulatory Commission from possessing hollow nose ammunition  
35 while in the actual performance of his official duties, if the federal  
36 licensee certifies that the designated employee <sup>1</sup>or designated licensed  
37 agent<sup>1</sup> is assigned to perform site protection, guard, armed response  
38 or armed escort duties and is appropriately trained and qualified, as  
39 prescribed by federal regulation, to perform those duties.

40 (3) Nothing in paragraph (2) of subsection f. or in subsection j.  
41 shall be construed to prevent any licensed retail or wholesale firearms  
42 dealer from possessing that ammunition or large capacity ammunition  
43 magazine at its licensed premises for sale or disposition to another  
44 licensed dealer, the Armed Forces of the United States or the National  
45 Guard, or to a law enforcement agency, provided that the seller  
46 maintains a record of any sale or disposition to a law enforcement

1 agency. The record shall include the name of the purchasing agency,  
2 together with written authorization of the chief of police or highest  
3 ranking official of the agency, the name and rank of the purchasing law  
4 enforcement officer, if applicable, and the date, time and amount of  
5 ammunition sold or otherwise disposed. A copy of this record shall be  
6 forwarded by the seller to the Superintendent of the Division of State  
7 Police within 48 hours of the sale or disposition.

8 (4) Nothing in subsection a. of this section shall be construed to  
9 apply to antique cannons as exempted in subsection d. of  
10 N.J.S.2C:39-6.

11 (5) Nothing in subsection c. of this section shall be construed to  
12 apply to any person who is specifically identified in a special deer  
13 management permit issued by the Division of Fish and Wildlife to  
14 utilize a firearm silencer as part of an alternative deer control method  
15 implemented in accordance with a special deer management permit  
16 issued pursuant to section 4 of P.L.2000, c.46 (C.23:4-42.6), while the  
17 person is in the actual performance of the permitted alternative deer  
18 control method and while going to and from the place where the  
19 permitted alternative deer control method is being utilized. This  
20 exception shall not, however, otherwise apply to any person to  
21 authorize the purchase or possession of a firearm silencer.

22 h. Stun guns. Any person who knowingly has in his possession any  
23 stun gun is guilty of a crime of the fourth degree.

24 i. Nothing in subsection e. of this section shall be construed to  
25 prevent any guard in the employ of a private security company, who  
26 is licensed to carry a firearm, from the possession of a nightstick when  
27 in the actual performance of his official duties, provided that he has  
28 satisfactorily completed a training course approved by the Police  
29 Training Commission in the use of a nightstick.

30 j. Any person who knowingly has in his possession a large capacity  
31 ammunition magazine is guilty of a crime of the fourth degree unless  
32 the person has registered an assault firearm pursuant to section 11 of  
33 P.L.1990, c.32 (C.2C:58-12) and the magazine is maintained and used  
34 in connection with participation in competitive shooting matches  
35 sanctioned by the Director of Civilian Marksmanship of the United  
36 States Department of the Army.

37 k. Handcuffs. Any person who knowingly has in his possession  
38 handcuffs as defined in P.L.1991, c.437 (C.2C:39-9.2), under  
39 circumstances not manifestly appropriate for such lawful uses as  
40 handcuffs may have, is guilty of a disorderly persons offense. A law  
41 enforcement officer shall confiscate handcuffs possessed in violation  
42 of the law.

43 (cf: P.L.2000, c.46, s.5)

44  
45 2. N.J.S.2C:39-6 is amended to read as follows:

46 2C:39-6. a. Provided a person complies with the requirements of

1 subsection j. of this section, N.J.S.2C:39-5 does not apply to:

2 (1) Members of the Armed Forces of the United States or of the  
3 National Guard while actually on duty, or while traveling between  
4 places of duty and carrying authorized weapons in the manner  
5 prescribed by the appropriate military authorities;

6 (2) Federal law enforcement officers, and any other federal officers  
7 and employees required to carry firearms in the performance of their  
8 official duties;

9 (3) Members of the State Police and, under conditions prescribed  
10 by the superintendent, members of the Marine Law Enforcement  
11 Bureau of the Division of State Police;

12 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,  
13 assistant prosecutor, prosecutor's detective or investigator, deputy  
14 attorney general or State investigator employed by the Division of  
15 Criminal Justice of the Department of Law and Public Safety,  
16 investigator employed by the State Commission of Investigation,  
17 inspector of the Alcoholic Beverage Control Enforcement Bureau of  
18 the Division of State Police in the Department of Law and Public  
19 Safety authorized to carry such weapons by the Superintendent of  
20 State Police, State park ranger, or State conservation officer;

21 (5) A prison or jail warden of any penal institution in this State or  
22 his deputies, or an employee of the Department of Corrections  
23 engaged in the interstate transportation of convicted offenders, while  
24 in the performance of his duties, and when required to possess the  
25 weapon by his superior officer, or a correction officer or keeper of a  
26 penal institution in this State at all times while in the State of New  
27 Jersey, provided he annually passes an examination approved by the  
28 superintendent testing his proficiency in the handling of firearms;

29 (6) A civilian employee of the United States Government under the  
30 supervision of the commanding officer of any post, camp, station, base  
31 or other military or naval installation located in this State who is  
32 required, in the performance of his official duties, to carry firearms,  
33 and who is authorized to carry such firearms by said commanding  
34 officer, while in the actual performance of his official duties;

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

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

42 (c) An airport security officer or a special law enforcement officer  
43 appointed by the governing body of any county or municipality, except  
44 as provided in subsection (b) of this section, or by the commission,  
45 board or other body having control of a county park or airport or  
46 boulevard police force, while engaged in the actual performance of his

1 official duties and when specifically authorized by the governing body  
2 to carry weapons;

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

16 (9) A juvenile corrections officer in the employment of the Juvenile  
17 Justice Commission established pursuant to section 2 of P.L.1995,  
18 c.284 (C.52:17B-170) subject to the regulations promulgated by the  
19 commission.

20 (10) A designated <sup>1</sup>[, full-time security]<sup>1</sup> employee<sup>1</sup> or designated  
21 licensed agent<sup>1</sup> for a nuclear power plant under license of the Nuclear  
22 Regulatory Commission, while in the actual performance of his official  
23 duties, if the federal licensee certifies that the designated employee<sup>1</sup> or  
24 designated licensed agent<sup>1</sup> is assigned to perform site protection,  
25 guard, armed response or armed escort duties and is appropriately  
26 trained and qualified, as prescribed by federal regulation, to perform  
27 those duties. <sup>1</sup>Any firearm utilized by an employee or agent for a  
28 nuclear power plant pursuant to this paragraph shall be returned each  
29 day at the end of the employee's or agent's authorized official duties  
30 to the employee's or agent's supervisor. All firearms returned each day  
31 pursuant to this paragraph shall be stored in locked containers located  
32 in a secure area.<sup>1</sup>

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

34 (1) A law enforcement officer employed by a governmental agency  
35 outside of the State of New Jersey while actually engaged in his  
36 official duties, provided, however, that he has first notified the  
37 superintendent or the chief law enforcement officer of the municipality  
38 or the prosecutor of the county in which he is engaged; or

39 (2) A licensed dealer in firearms and his registered employees  
40 during the course of their normal business while traveling to and from  
41 their place of business and other places for the purpose of  
42 demonstration, exhibition or delivery in connection with a sale,  
43 provided, however, that the weapon is carried in the manner specified  
44 in subsection g. of this section.

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

1 to:

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

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

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

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

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

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

24 (7) An officer of the Society for the Prevention of Cruelty to  
25 Animals, while in the actual performance of his duties;

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

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

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

41 (11) [A person who has not been convicted of a crime under the  
42 laws of this State or under the laws of another state or the United  
43 States, and who is employed as a full-time security guard for a nuclear  
44 power plant under the license of the Nuclear Regulatory Commission,  
45 while in the actual performance of his official duties;] (Deleted by  
46 amendment, P.L. c. (now pending before the Legislature as this bill)).

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

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

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

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

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

21 (17) A probation officer assigned to the "Probation Officer  
22 Community Safety Unit" created by section 2 of P.L.2001, c.362  
23 (C.2B:10A-2) while in the actual performance of the probation  
24 officer's official duties. Prior to being permitted to carry a firearm, a  
25 probation officer shall take and successfully complete a basic course  
26 for regular police officer training administered by the Police Training  
27 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and  
28 shall annually qualify in the use of a revolver or similar weapon prior  
29 to being permitted to carry a firearm.

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

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

44 (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
45 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is  
46 being transported by one eligible to possess it, in compliance with



1 regulations the superintendent may promulgate, between its permanent  
2 location and place of purchase or repair.

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

12 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
13 N.J.S.2C:39-5 do not apply to the transportation of unloaded antique  
14 cannons directly to or from exhibitions or demonstrations authorized  
15 under paragraph (4) of subsection d. of this section, provided that the  
16 transportation is in compliance with safety regulations the  
17 superintendent may promulgate. Nor do those subsections apply to  
18 transportation directly to or from exhibitions or demonstrations  
19 authorized under the law of another jurisdiction, provided that the  
20 superintendent has been given 30 days' notice and that the  
21 transportation is in compliance with safety regulations the  
22 superintendent may promulgate.

23 e. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be  
24 construed to prevent a person keeping or carrying about his place of  
25 business, residence, premises or other land owned or possessed by  
26 him, any firearm, or from carrying the same, in the manner specified  
27 in subsection g. of this section, from any place of purchase to his  
28 residence or place of business, between his dwelling and his place of  
29 business, between one place of business or residence and another when  
30 moving, or between his dwelling or place of business and place where  
31 such firearms are repaired, for the purpose of repair. For the purposes  
32 of this section, a place of business shall be deemed to be a fixed  
33 location.

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

36 (1) A member of any rifle or pistol club organized in accordance  
37 with the rules prescribed by the National Board for the Promotion of  
38 Rifle Practice, in going to or from a place of target practice, carrying  
39 such firearms as are necessary for said target practice, provided that  
40 the club has filed a copy of its charter with the superintendent and  
41 annually submits a list of its members to the superintendent and  
42 provided further that the firearms are carried in the manner specified  
43 in subsection g. of this section;

44 (2) A person carrying a firearm or knife in the woods or fields or  
45 upon the waters of this State for the purpose of hunting, target  
46 practice or fishing, provided that the firearm or knife is legal and

1 appropriate for hunting or fishing purposes in this State and he has in  
2 his possession a valid hunting license, or, with respect to fresh water  
3 fishing, a valid fishing license;

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

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

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

15 (c) In the case of a firearm, directly to or from any exhibition or  
16 display of firearms which is sponsored by any law enforcement agency,  
17 any rifle or pistol club, or any firearms collectors club, for the purpose  
18 of displaying the firearms to the public or to the members of the  
19 organization or club, provided, however, that not less than 30 days  
20 prior to the exhibition or display, notice of the exhibition or display  
21 shall be given to the Superintendent of the State Police by the  
22 sponsoring organization or club, and the sponsor has complied with  
23 such reasonable safety regulations as the superintendent may  
24 promulgate. Any firearms transported pursuant to this section shall be  
25 transported in the manner specified in subsection g. of this section;

26 (4) A person from keeping or carrying about a private or  
27 commercial aircraft or any boat, or from transporting to or from such  
28 vessel for the purpose of installation or repair a visual distress  
29 signalling device approved by the United States Coast Guard.

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

37 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to  
38 prevent any employee of a public utility, as defined in R.S.48:2-13,  
39 doing business in this State or any United States Postal Service  
40 employee, while in the actual performance of duties which specifically  
41 require regular and frequent visits to private premises, from  
42 possessing, carrying or using any device which projects, releases or  
43 emits any substance specified as being noninjurious to canines or other  
44 animals by the Commissioner of Health and Senior Services and which  
45 immobilizes only on a temporary basis and produces only temporary  
46 physical discomfort through being vaporized or otherwise dispensed

1 in the air for the sole purpose of repelling canine or other animal  
2 attacks.

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

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

10 i. Nothing in N.J.S.2C:39-5 shall be construed to prevent any  
11 person who is 18 years of age or older and who has not been convicted  
12 of a felony, from possession for the purpose of personal self-defense  
13 of one pocket-sized device which contains and releases not more than  
14 three-quarters of an ounce of chemical substance not ordinarily  
15 capable of lethal use or of inflicting serious bodily injury, but rather,  
16 is intended to produce temporary physical discomfort or disability  
17 through being vaporized or otherwise dispensed in the air. Any person  
18 in possession of any device in violation of this subsection shall be  
19 deemed and adjudged to be a disorderly person, and upon conviction  
20 thereof, shall be punished by a fine of not less than \$100.00.

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

25 Such exempt person shall not possess or carry a firearm until the  
26 person has satisfactorily completed a firearms training course and shall  
27 annually qualify in the use of a revolver or similar weapon. For  
28 purposes of this subsection, a "firearms training course" means a  
29 course of instruction in the safe use, maintenance and storage of  
30 firearms which is approved by the Police Training Commission. The  
31 commission shall approve a firearms training course if the  
32 requirements of the course are substantially equivalent to the  
33 requirements for firearms training provided by police training courses  
34 which are certified under section 6 of P.L.1961, c.56 (C.52:17B-71).  
35 A person who is specified in paragraph (1), (2), (3) or (6) of  
36 subsection a. of this section shall be exempt from the requirements of  
37 this subsection.

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

44 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed to  
45 prevent a law enforcement officer who retired in good standing,  
46 including a retirement because of a disability pursuant to section 6 of

1 P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255  
2 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1) or any  
3 substantially similar statute governing the disability retirement of  
4 federal law enforcement officers, provided the officer was a regularly  
5 employed, full-time law enforcement officer for an aggregate of five  
6 or more years prior to his disability retirement and further provided  
7 that the disability which constituted the basis for the officer's  
8 retirement did not involve a certification that the officer was mentally  
9 incapacitated for the performance of his usual law enforcement duties  
10 and any other available duty in the department which his employer was  
11 willing to assign to him or does not subject that retired officer to any  
12 of the disabilities set forth in subsection c. of N.J.S.2C:58-3 which  
13 would disqualify the retired officer from possessing or carrying a  
14 firearm, who semi-annually qualifies in the use of the handgun he is  
15 permitted to carry in accordance with the requirements and procedures  
16 established by the Attorney General pursuant to subsection j. of this  
17 section and pays the actual costs associated with those semi-annual  
18 qualifications, who is less than 70 years of age, and who was regularly  
19 employed as a full-time member of the State Police; a full-time  
20 member of an interstate police force; a full-time member of a county  
21 or municipal police department in this State; a full-time member of a  
22 State law enforcement agency; a full-time sheriff, undersheriff or  
23 sheriff's officer of a county of this State; a full-time State or county  
24 corrections officer; a full-time county park police officer; a full-time  
25 county prosecutor's detective or investigator; or a full-time federal law  
26 enforcement officer from carrying a handgun in the same manner as  
27 law enforcement officers exempted under paragraph (7) of subsection  
28 a. of this section under the conditions provided herein:

29 (1) The retired law enforcement officer, within six months after  
30 retirement, shall make application in writing to the Superintendent of  
31 State Police for approval to carry a handgun for one year. An  
32 application for annual renewal shall be submitted in the same manner.

33 (2) Upon receipt of the written application of the retired law  
34 enforcement officer, the superintendent shall request a verification of  
35 service from the chief law enforcement officer of the organization in  
36 which the retired officer was last regularly employed as a full-time law  
37 enforcement officer prior to retiring. The verification of service shall  
38 include:

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

40 (b) The date that the retired officer was hired and the date that the  
41 officer retired;

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

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

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

1 (3) If the superintendent approves a retired officer's application or  
2 reapplication to carry a handgun pursuant to the provisions of this  
3 subsection, the superintendent shall notify in writing the chief law  
4 enforcement officer of the municipality wherein that retired officer  
5 resides. In the event the retired officer resides in a municipality which  
6 has no chief law enforcement officer or law enforcement agency, the  
7 superintendent shall maintain a record of the approval.

8 (4) The superintendent shall issue to an approved retired officer an  
9 identification card permitting the retired officer to carry a handgun  
10 pursuant to this subsection. This identification card shall be valid for  
11 one year from the date of issuance and shall be valid throughout the  
12 State. The identification card shall not be transferable to any other  
13 person. The identification card shall be carried at all times on the  
14 person of the retired officer while the retired officer is carrying a  
15 handgun. The retired officer shall produce the identification card for  
16 review on the demand of any law enforcement officer or authority.

17 (5) Any person aggrieved by the denial of the superintendent of  
18 approval for a permit to carry a handgun pursuant to this subsection  
19 may request a hearing in the Superior Court of New Jersey in the  
20 county in which he resides by filing a written request for such a  
21 hearing within 30 days of the denial. Copies of the request shall be  
22 served upon the superintendent and the county prosecutor. The  
23 hearing shall be held within 30 days of the filing of the request, and no  
24 formal pleading or filing fee shall be required. Appeals from the  
25 determination of such a hearing shall be in accordance with law and  
26 the rules governing the courts of this State.

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

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

39 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to  
40 prevent duly authorized personnel of the New Jersey Division of Fish,  
41 Game and Wildlife, while in the actual performance of duties, from  
42 possessing, transporting or using any device that projects, releases or  
43 emits any substance specified as being non-injurious to wildlife by the  
44 Director of the Division of Animal Health in the Department of  
45 Agriculture, and which may immobilize wildlife and produces only  
46 temporary physical discomfort through being vaporized or otherwise

1 dispensed in the air for the purpose of repelling bear or other animal  
2 attacks or for the aversive conditioning of wildlife.

3 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall be  
4 construed to prevent duly authorized personnel of the New Jersey  
5 Division of Fish, Game and Wildlife, while in the actual performance  
6 of duties, from possessing, transporting or using hand held pistol-like  
7 devices, rifles or shotguns that launch pyrotechnic missiles for the sole  
8 purpose of frightening, hazing or aversive conditioning of nuisance or  
9 depredating wildlife; from possessing, transporting or using rifles,  
10 pistols or similar devices for the sole purpose of chemically  
11 immobilizing wild or non-domestic animals; or, provided the duly  
12 authorized person complies with the requirements of subsection j. of  
13 this section, from possessing, transporting or using rifles or shotguns,  
14 upon completion of a Police Training Commission approved training  
15 course, in order to dispatch injured or dangerous animals or for  
16 non-lethal use for the purpose of frightening, hazing or aversive  
17 conditioning of nuisance or depredating wildlife.

18 (cf: P.L.2001, c.362, s.4)

19

20 3. This act shall take effect immediately.