

SENATE, No. 2264

STATE OF NEW JERSEY
214th LEGISLATURE

INTRODUCED SEPTEMBER 20, 2010

Sponsored by:

Senator JEFF VAN DREW

District 1 (Cape May, Atlantic and Cumberland)

SYNOPSIS

Revises qualifications and requirements for permits to carry a handgun.

CURRENT VERSION OF TEXT

As introduced.

WITHDRAWN



1 AN ACT concerning permits to carry a handgun and amending
2 N.J.S.2C:58-4.

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

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

8 2C:58-4. a. Scope and duration of authority. Any person who
9 holds a valid permit to carry a handgun issued pursuant to this
10 section shall be authorized to carry a handgun in all parts of this
11 State, except as prohibited by section 2C:39-5e. One permit shall
12 be sufficient for all handguns owned by the holder thereof, but the
13 permit shall apply only to a handgun carried by the actual and legal
14 holder of the permit.

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

22 b. Application forms. All applications for permits to carry
23 handguns, and all applications for renewal of such permits, shall be
24 made on the forms prescribed by the superintendent. Each
25 application shall set forth the full name, date of birth, sex,
26 residence, occupation, place of business or employment, and
27 physical description of the applicant, and such other information as
28 the superintendent may prescribe for the determination of the
29 applicant's eligibility for a permit and for the proper enforcement of
30 this chapter. The application shall be signed by the applicant under
31 oath, and shall be indorsed by three reputable persons who have
32 known the applicant for at least 3 years preceding the date of
33 application, and who shall certify thereon that the applicant is a
34 person of good moral character and behavior.

35 c. Investigation and approval. Each application shall in the first
36 instance be submitted to the chief police officer of the municipality
37 in which the applicant resides, or to the superintendent, (1) if the
38 applicant is an employee of an armored car company, or (2) if there
39 is no chief police officer in the municipality where the applicant
40 resides, or (3) if the applicant does not reside in this State. The
41 chief police officer, or the superintendent, as the case may be, shall
42 cause the fingerprints of the applicant to be taken and compared
43 with any and all records maintained by the municipality, the county
44 in which it is located, the State Bureau of Identification and the
45 Federal Bureau of Identification. He shall also determine and

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 record a complete description of each handgun the applicant intends
2 to carry.

3 No application shall be approved by the chief police officer or
4 the superintendent unless the applicant demonstrates that he is not
5 subject to any of the disabilities set forth in 2C:58-3c., and that he
6 is [thoroughly familiar with the safe handling and use of handguns,
7 and that he has a justifiable need] qualified to carry a handgun. For
8 the purposes of this paragraph, an applicant shall be deemed
9 qualified if: (1) a criminal history record background check reveals
10 no disqualifying information; (2) the applicant successfully
11 completes a course of instruction in the safe use, maintenance and
12 storage of firearms which is approved by the Police Training
13 Commission; (3) the applicant demonstrates proficiency in the use
14 of, and qualifies with, a firearm of the type to be carried; and (4) the
15 applicant successfully completes a course in the lawful use of force
16 and the justifiable use of a firearm which is approved by the
17 superintendent. The applicant shall be responsible for all the costs
18 of meeting the requirements and qualifications set forth in this
19 paragraph. If the application is not approved by the chief police
20 officer or the superintendent within 60 days of filing, it shall be
21 deemed to have been approved, unless the applicant agrees to an
22 extension of time in writing.

23 d. Issuance by Superior Court; fee. If the application has been
24 approved by the chief police officer or the superintendent, as the
25 case may be, the applicant shall forthwith present it to the Superior
26 Court of the county in which the applicant resides, or to the
27 Superior Court in any county where he intends to carry a handgun,
28 in the case of a nonresident or employee of an armored car
29 company. The court shall issue the permit to the applicant if [,but
30 only if,] it is satisfied that the applicant is a person of good
31 character who is not subject to any of the disabilities set forth in
32 section 2C:58-3c., that he is thoroughly familiar with the safe
33 handling and use of handguns, and that he has [a justifiable need to
34 carry a handgun] , in accordance with subsection c. of this section,
35 been deemed qualified to carry and his application has been
36 approved by the chief police officer or the superintendent, as the
37 case may be. The court may at its discretion issue a limited-type
38 permit which would restrict the applicant as to the types of
39 handguns he may carry and where and for what purposes such
40 handguns may be carried. At the time of issuance, the applicant
41 shall pay to the county clerk of the county where the permit was
42 issued a permit fee of ~~[\$20.00]~~ \$500 which shall be dispersed
43 pursuant to subsection h of this section.

44 e. Appeals from denial of applications. Any person aggrieved
45 by the denial by the chief police officer or the superintendent of
46 approval for a permit to carry a handgun may request a hearing in
47 the Superior Court of the county in which he resides or in any
48 county in which he intends to carry a handgun, in the case of a

1 nonresident, by filing a written request for such a hearing within 30
2 days of the denial. Copies of the request shall be served upon the
3 superintendent, the county prosecutor and the chief police officer of
4 the municipality where the applicant resides, if he is a resident of
5 this State. The hearing shall be held within 30 days of the filing of
6 the request, and no formal pleading or filing fee shall be required.
7 Appeals from the determination at such a hearing shall be in
8 accordance with law and the rules governing the courts of this State.

9 If the superintendent or chief police officer approves an
10 application and the Superior Court denies the application and
11 refuses to issue a permit, the applicant may appeal such denial in
12 accordance with law and the rules governing the courts of this State.

13 f. Revocation of permits. Any permit issued under this section
14 shall be void at such time as the holder thereof becomes subject to
15 any of the disabilities set forth in section 2C:58-3c. or fails to
16 qualify semi-annually in the use of his handgun, and the holder of
17 such a void permit shall immediately surrender the permit to the
18 superintendent who shall give notice to the licensing authority.

19 The permit holder shall be responsible for the full cost of
20 qualifying in the use of his handgun.

21 Any permit may be revoked by the Superior Court, after hearing
22 upon notice to the holder, if the court finds that the holder is no
23 longer qualified for the issuance of such a permit. The county
24 prosecutor of any county, the chief police officer of any
25 municipality, the superintendent or any citizen may apply to the
26 court at any time for the revocation of any permit issued pursuant to
27 this section.

28 g. Permit renewals. In a manner and form prescribed by the
29 superintendent, a permit holder may apply each year to renew his
30 permit to carry a handgun. The qualifications and requirements for
31 renewal shall be the same as those set forth in subsection c. of this
32 section for applicants seeking an initial permit, except that
33 applicants for renewal shall be required to undergo psychological
34 testing on a biennial rather than annual basis.

35 h. The \$500 annual fee for each permit shall be distributed as
36 follows: \$50 to the law enforcement that reviewed the application;
37 \$50 to the county clerk where the permit was issued; and \$400 to
38 the State Treasurer for deposit in the General Fund.

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

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41 2. This act shall take effect on the first day of sixth month
42 following enactment and shall apply to all permits to carry a
43 handgun applied for and issued on or after that day.

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STATEMENT

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48 This bill revises the law governing the issuing of permits to carry
49 handguns in the State of New Jersey.

1 Under the provisions of this bill, an applicant for a permit to
2 carry would no longer have to establish the court standard
3 “justifiable need,” but rather simply show that they are “qualified”
4 to carry. An applicant is deemed qualified under the bill if: (1) a
5 criminal history record background check reveals no disqualifying
6 information; (2) the applicant successfully completes a course of
7 instruction in the safe use, maintenance and storage of firearms
8 which is approved by the Police Training Commission; (3) the
9 applicant demonstrates proficiency in the use of, and qualifies with,
10 a firearm of the type to be carried; and (4) the applicant
11 successfully completes a course in the lawful use of force and the
12 justifiable use of a firearm which is approved by the superintendent.
13 The bill specifies that the applicant is responsible for all the costs
14 involved in meeting these requirements and qualifications.

15 An applicant for a permit renewal must meet the same
16 requirements and qualifications, with one exception. Applicants for
17 renewal must undergo psychological testing on a biennial rather
18 than annual basis.

19 The annual fee for the permit is \$500. The permit fees are to be
20 allocated as follows: \$50 to the law enforcement agency that
21 processes the application; \$50 to the county clerk of the county that
22 issues the permit; and \$400 to the State Treasurer for deposit in the
23 General Fund.

WITHDRAWN