

[First Reprint]

**ASSEMBLY, No. 2777**

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**STATE OF NEW JERSEY**  
**216th LEGISLATURE**

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INTRODUCED FEBRUARY 27, 2014

**Sponsored by:**

**Assemblyman JOSEPH A. LAGANA**

**District 38 (Bergen and Passaic)**

**Assemblyman GORDON M. JOHNSON**

**District 37 (Bergen)**

**SYNOPSIS**

Defines reasonable deviations in the course of transporting firearms.

**CURRENT VERSION OF TEXT**

As reported by the Senate Law and Public Safety Committee on May 5, 2014, with amendments.



**(Sponsorship Updated As Of: 3/21/2014)**

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

2

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

5

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

7 2C:39-6. a. Provided a person complies with the requirements  
8 of subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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

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

16 (3) Members of the State Police and, under conditions  
17 prescribed by the superintendent, members of the Marine Law  
18 Enforcement Bureau of the Division of State Police;

19 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,  
20 assistant prosecutor, prosecutor's detective or investigator, deputy  
21 attorney general or State investigator employed by the Division of  
22 Criminal Justice of the Department of Law and Public Safety,  
23 investigator employed by the State Commission of Investigation,  
24 inspector of the Alcoholic Beverage Control Enforcement Bureau of  
25 the Division of State Police in the Department of Law and Public  
26 Safety authorized to carry such weapons by the Superintendent of  
27 State Police, State park police officer, or State conservation officer;

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

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

44 (7) (a) A regularly employed member, including a detective, of  
45 the police department of any county or municipality, or of any

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SLP committee amendments adopted May 5, 2014.

1 State, interstate, municipal or county park police force or boulevard  
2 police force, at all times while in the State of New Jersey;

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

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

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

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

32 (10) A designated employee or designated licensed agent for a  
33 nuclear power plant under license of the Nuclear Regulatory  
34 Commission, while in the actual performance of his official duties,  
35 if the federal licensee certifies that the designated employee or  
36 designated licensed agent is assigned to perform site protection,  
37 guard, armed response or armed escort duties and is appropriately  
38 trained and qualified, as prescribed by federal regulation, to  
39 perform those duties. Any firearm utilized by an employee or agent  
40 for a nuclear power plant pursuant to this paragraph shall be  
41 returned each day at the end of the employee's or agent's authorized  
42 official duties to the employee's or agent's supervisor. All firearms  
43 returned each day pursuant to this paragraph shall be stored in  
44 locked containers located in a secure area;

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

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

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

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

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

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

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

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

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

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

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

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

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

45       (9) A railway policeman, except a transit police officer of the  
46 New Jersey Transit Police Department, at all times while in the  
47 State of New Jersey, provided that he has passed an approved police  
48 academy training program consisting of at least 280 hours. The

1 training program shall include, but need not be limited to, the  
2 handling of firearms, community relations, and juvenile relations;

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

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

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

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

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

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

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

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

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

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

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

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

22 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
23 N.J.S.2C:39-5 do not apply to the transportation of unloaded  
24 antique cannons directly to or from exhibitions or demonstrations  
25 authorized under paragraph (4) of subsection d. of this section,  
26 provided that the transportation is in compliance with safety  
27 regulations the superintendent may promulgate. Nor do those  
28 subsections apply to transportation directly to or from exhibitions or  
29 demonstrations authorized under the law of another jurisdiction,  
30 provided that the superintendent has been given 30 days' notice and  
31 that the transportation is in compliance with safety regulations the  
32 superintendent may promulgate.

33 e. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be  
34 construed to prevent a person keeping or carrying about his place of  
35 business, residence, premises or other land owned or possessed by  
36 him, any firearm, or from carrying the same, in the manner  
37 specified in subsection g. of this section, from any place of  
38 purchase to his residence or place of business, between his dwelling  
39 and his place of business, between one place of business or  
40 residence and another when moving, or between his dwelling or  
41 place of business and place where such firearms are repaired, for  
42 the purpose of repair. For the purposes of this section, a place of  
43 business shall be deemed to be a fixed location.

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

46 (1) A member of any rifle or pistol club **【**organized in  
47 accordance with the rules prescribed by the National Board for the  
48 Promotion of Rifle Practice**】**, affiliated with the Corporation for the

1 Promotion of Rifle Practice and Firearms Safety, the National Rifle  
2 Association or the Association of New Jersey Rifle and Pistol  
3 Clubs, in going to or from a place of target practice, carrying such  
4 firearms as are necessary for said target practice, provided that the  
5 club has filed a copy of its charter with the superintendent and  
6 annually submits a list of its members to the superintendent and  
7 provided further that the firearms are carried in the manner  
8 specified in subsection g. of this section;

9 (2) A person carrying a firearm or knife in the woods or fields  
10 or upon the waters of this State for the purpose of hunting, target  
11 practice or fishing, provided that the firearm or knife is legal and  
12 appropriate for hunting or fishing purposes in this State and he has  
13 in his possession a valid hunting license, or, with respect to fresh  
14 water fishing, a valid fishing license;

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

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

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

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

39 (4) A person from keeping or carrying about a private or  
40 commercial aircraft or any boat, or from transporting to or from  
41 such vessel for the purpose of installation or repair a visual distress  
42 signaling device approved by the United States Coast Guard.

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

1 necessary under the circumstances. For the purposes of this section,  
2 “deviations as are reasonably necessary” means collecting and  
3 discharging passengers whose transportation is permitted under  
4 paragraph (2) of subsection b., subsection e., or paragraph (1) or (3)  
5 of subsection f. of this section <sup>1</sup> ; <sup>1</sup> purchasing fuel <sup>1</sup> ; <sup>1</sup> using a  
6 restroom <sup>1</sup> ; <sup>1</sup> and <sup>1</sup> ; <sup>1</sup> contending with an emergency situation <sup>1</sup> ; <sup>1</sup> and  
7 other reasonably necessary deviations of no more than 15 minutes  
8 in duration <sup>1</sup> . A person transporting a weapon pursuant to this  
9 subsection shall comply with all other applicable State laws relating  
10 to weapons.

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

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

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

30 i. (1) Nothing in N.J.S.2C:39-5 shall be construed to prevent  
31 any person who is 18 years of age or older and who has not been  
32 convicted of a crime, from possession for the purpose of personal  
33 self-defense of one pocket-sized device which contains and releases  
34 not more than three-quarters of an ounce of chemical substance not  
35 ordinarily capable of lethal use or of inflicting serious bodily injury,  
36 but rather, is intended to produce temporary physical discomfort or  
37 disability through being vaporized or otherwise dispensed in the air.  
38 Any person in possession of any device in violation of this  
39 subsection shall be deemed and adjudged to be a disorderly person,  
40 and upon conviction thereof, shall be punished by a fine of not less  
41 than \$100.

42 (2) Notwithstanding the provisions of paragraph (1) of this  
43 subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a  
44 health inspector or investigator operating pursuant to the provisions  
45 of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building  
46 inspector from possessing a device which is capable of releasing  
47 more than three-quarters of an ounce of a chemical substance, as  
48 described in paragraph (1), while in the actual performance of the



1 inspector's or investigator's duties, provided that the device does not  
2 exceed the size of those used by law enforcement.

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

7 Such exempt person shall not possess or carry a firearm until the  
8 person has satisfactorily completed a firearms training course and  
9 shall annually qualify in the use of a revolver or similar weapon.  
10 For purposes of this subsection, a "firearms training course" means  
11 a course of instruction in the safe use, maintenance and storage of  
12 firearms which is approved by the Police Training Commission.  
13 The commission shall approve a firearms training course if the  
14 requirements of the course are substantially equivalent to the  
15 requirements for firearms training provided by police training  
16 courses which are certified under section 6 of P.L.1961, c.56  
17 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3)  
18 or (6) of subsection a. of this section shall be exempt from the  
19 requirements of this subsection.

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

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

1 police force; a full-time member of a county or municipal police  
2 department in this State; a full-time member of a State law  
3 enforcement agency; a full-time sheriff, undersheriff or sheriff's  
4 officer of a county of this State; a full-time State or county  
5 corrections officer; a full-time county park police officer; a full-  
6 time county prosecutor's detective or investigator; a full-time  
7 federal law enforcement officer; or is a qualified retired law  
8 enforcement officer, as used in the federal "Law Enforcement  
9 Officers Safety Act of 2004," Pub.L. 108-277, domiciled in this  
10 State from carrying a handgun in the same manner as law  
11 enforcement officers exempted under paragraph (7) of subsection a.  
12 of this section under the conditions provided herein:

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

17 (2) Upon receipt of the written application of the retired law  
18 enforcement officer, the superintendent shall request a verification  
19 of service from the chief law enforcement officer of the  
20 organization in which the retired officer was last regularly  
21 employed as a full-time law enforcement officer prior to retiring.  
22 The verification of service shall include:

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

24 (b) The date that the retired officer was hired and the date that  
25 the officer retired;

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

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

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

31 (3) If the superintendent approves a retired officer's application  
32 or reapplication to carry a handgun pursuant to the provisions of  
33 this subsection, the superintendent shall notify in writing the chief  
34 law enforcement officer of the municipality wherein that retired  
35 officer resides. In the event the retired officer resides in a  
36 municipality which has no chief law enforcement officer or law  
37 enforcement agency, the superintendent shall maintain a record of  
38 the approval.

39 (4) The superintendent shall issue to an approved retired officer  
40 an identification card permitting the retired officer to carry a  
41 handgun pursuant to this subsection. This identification card shall  
42 be valid for one year from the date of issuance and shall be valid  
43 throughout the State. The identification card shall not be  
44 transferable to any other person. The identification card shall be  
45 carried at all times on the person of the retired officer while the  
46 retired officer is carrying a handgun. The retired officer shall  
47 produce the identification card for review on the demand of any law  
48 enforcement officer or authority.

1 (5) Any person aggrieved by the denial of the superintendent of  
2 approval for a permit to carry a handgun pursuant to this subsection  
3 may request a hearing in the Superior Court of New Jersey in the  
4 county in which he resides by filing a written request for such a  
5 hearing within 30 days of the denial. Copies of the request shall be  
6 served upon the superintendent and the county prosecutor. The  
7 hearing shall be held within 30 days of the filing of the request, and  
8 no formal pleading or filing fee shall be required. Appeals from the  
9 determination of such a hearing shall be in accordance with law and  
10 the rules governing the courts of this State.

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

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

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

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

1 injured or dangerous animals or for non-lethal use for the purpose  
2 of frightening, hazing or aversive conditioning of nuisance or  
3 depredating wildlife.

4 (cf: P.L.2013, c.219, s.1)

5

6 2. This act shall take effect immediately.