

[Second Reprint]

**ASSEMBLY, No. 2690**

**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

INTRODUCED FEBRUARY 8, 2016

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**Mosquera, Senators A.R.Bucco and Oroho**

**SYNOPSIS**

Expands list of retired law enforcement officers eligible to carry handgun.

**CURRENT VERSION OF TEXT**

As amended by the General Assembly on June 16, 2016.

(Sponsorship Updated As Of: 5/26/2017)

1 AN ACT concerning handgun carry permits and amending  
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:39-6 is amended to read as follows:

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

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

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

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

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

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

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

**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>Assembly ALP committee amendments adopted June 2, 2016.

<sup>2</sup>Assembly floor amendments adopted June 16, 2016.

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

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

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

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

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

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

46 (11) A county corrections officer at all times while in the State of  
47 New Jersey, provided he annually passes an examination approved by  
48 the superintendent testing his proficiency in the 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 municipality  
6 or the prosecutor of the county in which he is engaged; or

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

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

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

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

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

27       (4) A court attendant <sup>1</sup>**【serving as such under appointment】**  
28 appointed<sup>1</sup> by the sheriff of the county or by the judge of any  
29 municipal court or other court of this State, while in the actual  
30 performance of his official duties;

31       (5) A guard <sup>1</sup>**【in the employ of】** employed by<sup>1</sup> any railway express  
32 company, banking or building and loan or savings and loan institution  
33 of this State, while in the actual performance of his official duties;

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

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

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

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

1 program shall include, but need not be limited to, the handling of  
2 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 a  
5 firearm, a campus police officer shall take and successfully complete a  
6 firearms training course administered by the Police Training  
7 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and  
8 shall annually qualify in the use of a revolver or similar weapon prior  
9 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 the  
13 officer has satisfied the training requirements of the Police Training  
14 Commission, pursuant to subsection c. of section 2 of P.L.1989, c.291  
15 (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 shall  
18 take and successfully complete a basic course for regular police officer  
19 training administered by the Police Training Commission, pursuant to  
20 P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the  
21 use of a revolver or similar weapon prior to being permitted to carry a  
22 firearm;

23 (14) A Human Services police officer at all times while in the State  
24 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 as  
27 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 P.L.1997,  
30 c.210 (C.40A:14-146.19 et al.) at all times while in the State of New  
31 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, a  
36 probation officer shall take and successfully complete a basic course  
37 for regular police officer training 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 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to  
42 antique firearms, provided that **【such】** the antique firearms are  
43 unloaded or are being fired for the purposes of exhibition or  
44 demonstration at an authorized target range or in **【such other】** another  
45 manner **【as has been】** approved in writing by the chief law  
46 enforcement officer of the municipality in which the exhibition or  
47 demonstration is held, or if not held on property under the control of a  
48 particular municipality, 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 museum,  
5 a municipality, a county or the State, or (b) a person who obtained a  
6 firearms purchaser identification card as specified in N.J.S.2C:58-3.

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

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

21 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
22 N.J.S.2C:39-5 do not apply to the transportation of unloaded antique  
23 cannons directly to or from exhibitions or demonstrations authorized  
24 under paragraph (4) of subsection d. of this section, provided that the  
25 transportation is in compliance with safety regulations the  
26 superintendent may promulgate. <sup>1</sup>~~【Nor do those】~~ Those<sup>1</sup> subsections  
27 <sup>1</sup>~~shall not~~<sup>1</sup> apply to transportation directly to or from exhibitions or  
28 demonstrations authorized under the law of another jurisdiction,  
29 provided that the superintendent has been given 30 days' notice and  
30 that the transportation is in compliance with safety regulations the  
31 superintendent may promulgate.

32 e. Nothing in subsections b., c. <sup>1</sup>~~1~~<sup>1</sup> and d. of N.J.S.2C:39-5 shall  
33 be construed to prevent a person keeping or carrying about his place of  
34 business, residence, premises or other land owned or possessed by  
35 him, any firearm, or from carrying the same, in the manner specified in  
36 subsection g. of this section, from any place of purchase to his  
37 residence or place of business, between his dwelling and his place of  
38 business, between one place of business or residence and another when  
39 moving, or between his dwelling or place of business and place where  
40 ~~【such】~~ the firearms are repaired, for the purpose of repair. For the  
41 purposes of this section, a place of business shall be deemed to be a  
42 fixed location.

43 f. Nothing in subsections b., c. <sup>1</sup>~~1~~<sup>1</sup> and d. of N.J.S.2C:39-5 shall  
44 be construed to prevent:

45 (1) A member of any rifle or pistol club organized in accordance  
46 with the rules prescribed by the National Board for the Promotion of  
47 Rifle Practice, in going to or from a place of target practice, carrying  
48 ~~【such】~~ firearms ~~【as are】~~ necessary for ~~【said】~~ target practice, provided

1 that the club has filed a copy of its charter with the superintendent and  
2 annually submits a list of its members to the superintendent and  
3 provided further that the firearms are carried in the manner specified in  
4 subsection g. of this section;

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

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

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

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

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

33 (4) A person from keeping or carrying about a private or  
34 commercial aircraft or any boat, or from transporting to or from **[such**  
35 **vessel]** the aircraft or boat for the purpose of installation or repair <sup>2</sup>of<sup>2</sup>  
36 a visual distress signaling device approved by the United States Coast  
37 Guard.

38 g. <sup>1</sup>**[All weapons]** Any weapon<sup>1</sup> being transported under  
39 paragraph (2) of subsection b., subsection e., or paragraph (1) or (3) of  
40 subsection f. of this section shall be carried unloaded and contained in  
41 a closed and fastened case, gunbox, securely tied package, or locked in  
42 the trunk of the automobile in which it is being transported, and in the  
43 course of travel shall include only **[such]** deviations as are reasonably  
44 necessary under the circumstances.

45 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to  
46 prevent any employee of a public utility, as defined in R.S.48:2-13,  
47 doing business in this State or any United States Postal Service  
48 employee, while in the actual performance of duties which specifically

1 require regular and frequent visits to private premises, from  
2 possessing, carrying or using any device which projects, releases or  
3 emits any substance specified as being noninjurious to canines or other  
4 animals by the Commissioner of Health and which immobilizes only  
5 on a temporary basis and produces only temporary physical discomfort  
6 through being vaporized or otherwise dispensed in the air for the sole  
7 purpose of repelling canine or other animal attacks.

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

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

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

26 (2) Notwithstanding the provisions of paragraph (1) of this  
27 subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a  
28 health inspector or investigator operating pursuant to the provisions of  
29 section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building inspector  
30 from possessing a device which is capable of releasing more than  
31 three-quarters of an ounce of a chemical substance, as described in  
32 paragraph (1), while in the actual performance of the inspector's or  
33 investigator's duties, provided that the device does not exceed the size  
34 of those used by law enforcement.

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

39 **【Such】** The exempt person shall not possess or carry a firearm  
40 until the person has satisfactorily completed a firearms training course  
41 and shall annually qualify in the use of a revolver or similar weapon.  
42 For purposes of this subsection, a "firearms training course" means a  
43 course of instruction in the safe use, maintenance and storage of  
44 firearms which is approved by the Police Training Commission. The  
45 commission shall approve a firearms training course if the  
46 requirements of the course are substantially equivalent to the  
47 requirements for firearms training provided by police training courses  
48 which are certified under section 6 of P.L.1961, c.56 (C.52:17B-71). A



1 person who is specified in paragraph (1), (2), (3) <sup>1</sup><sub>1</sub> or (6) of  
2 subsection a. of this section shall be exempt from the requirements of  
3 this subsection.

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

10 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed to  
11 prevent a law enforcement officer who retired in good standing,  
12 including a retirement because of a disability pursuant to section 6 of  
13 P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255  
14 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1) <sup>1</sup><sub>1</sub> or any  
15 substantially similar statute governing the disability retirement of  
16 federal law enforcement officers, provided the officer was a regularly  
17 employed, full-time law enforcement officer for an aggregate of four  
18 or more years prior to his disability retirement and further provided  
19 that the disability which constituted the basis for the officer's  
20 retirement did not involve a certification that the officer was mentally  
21 incapacitated for the performance of his usual law enforcement duties  
22 and any other available duty in the department which his employer  
23 was willing to assign to him or does not subject that retired officer to  
24 any of the disabilities set forth in subsection c. of N.J.S.2C:58-3 which  
25 would disqualify the retired officer from possessing or carrying a  
26 firearm, who semi-annually qualifies in the use of the handgun he is  
27 permitted to carry in accordance with the requirements and procedures  
28 established by the Attorney General pursuant to subsection j. of this  
29 section and pays the actual costs associated with those semi-annual  
30 qualifications, who is 75 years of age or younger, and who was  
31 regularly employed as a full-time member of the State Police; a full-  
32 time member of an interstate police force; a full-time member of a  
33 county or municipal police department in this State; a full-time  
34 member of a State law enforcement agency; a full-time sheriff,  
35 undersheriff or sheriff's officer of a county of this State; a full-time  
36 State or county corrections officer; a full-time State or county park  
37 police officer; a full-time special agent of the Division of Taxation; a  
38 full-time Human Services police officer; a full-time transit police  
39 officer of the New Jersey Transit Police Department; a full-time  
40 campus police officer <sup>1</sup> [or full-time university police officer]<sup>1</sup>  
41 exempted pursuant to paragraph (10) of subsection c. of this section; a  
42 full-time State conservation officer exempted pursuant to paragraph  
43 (4) of subsection a. of this section; a full-time Palisades Interstate Park  
44 officer appointed pursuant to R.S.32:14-21; <sup>1</sup>a full-time Burlington  
45 County Bridge police officer appointed pursuant to section 1 of  
46 P.L.1960, c.168 (C.27:19-36.3);<sup>1</sup> <sup>2</sup>a full-time housing authority police  
47 officer exempted pursuant to pursuant to paragraph (16) of subsection  
48 c. of this section; a full-time juvenile corrections officer exempted

1 pursuant to paragraph (9) of subsection a. of this section; a full-time  
2 parole officer exempted pursuant to paragraph (13) of subsection c. of  
3 this section; a full-time railway policeman exempted pursuant to  
4 paragraph (9) of subsection c. of this section;<sup>2</sup> a full-time county  
5 prosecutor's detective or investigator; a full-time federal law  
6 enforcement officer; or is a qualified retired law enforcement officer,  
7 as used in the federal "Law Enforcement Officers Safety Act of 2004,"  
8 Pub.L. 108-277, domiciled in this State from carrying a handgun in the  
9 same manner as law enforcement officers exempted under paragraph  
10 (7) of subsection a. of this section under the conditions provided  
11 herein:

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

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

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

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

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

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

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

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

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

46 (5) Any person aggrieved by the denial of the superintendent of  
47 approval for a permit to carry a handgun pursuant to this subsection  
48 may request a hearing in the Superior Court of New Jersey in the

1 county in which he resides by filing a written request for **【such】** a  
2 hearing within 30 days of the denial. Copies of the request shall be  
3 served upon the superintendent and the county prosecutor. The  
4 hearing shall be held within 30 days of the filing of the request, and no  
5 formal pleading or filing fee shall be required. Appeals from the  
6 determination of **【such a】** the hearing shall be in accordance with law  
7 and the rules governing the courts of this State.

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

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

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

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

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

46  
47 2. This act shall take effect immediately.