

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 2758

# STATE OF NEW JERSEY

DATED: MAY 21, 2018

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 2758.

This bill codifies the definition of “justifiable need to carry a handgun” that was set forth in the New Jersey Administrative Code prior to amendments being adopted by the Department of Law and Public Safety in April 2017.

Under current law, in order to lawfully carry a handgun in public, it is necessary for a private citizen to obtain a permit to carry a handgun. Applicants for a permit to carry a handgun need the approval of the chief of police in the municipality where they reside and the approval of a Superior Court judge in the county where they reside. Approval is contingent upon a person submitting, with an application, a written certification establishing “justifiable need.”

Prior to the adoption of the amendment to the New Jersey Administrative Code, specifically N.J.A.C.13:54-2.4, in April 2017, “justifiable need” was defined as “the urgent necessity for self-protection, as evidenced by specific threats or previous attacks which demonstrate a special danger to the applicant's life that cannot be avoided by means other than by issuance of a permit to carry a handgun.” This bill codifies this definition in statute.

In April 2017, the Department of Law and Public Safety adopted an amendment to this regulation that added “serious threats” to the circumstances that may demonstrate a special danger to the applicant’s life that could be specified in the written certification of justifiable need. In addition, the revised regulation also specifies that a permit to carry a handgun can be issued based on a special danger to the applicant’s life that cannot be avoided by other “reasonable” means. If enacted, this bill would negate this regulation.

As reported, this bill is identical to Senate Bill No. 2376, as also reported by the committee.

#### FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.