

ASSEMBLY RESOLUTION No. 54

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblyman TIM EUSTACE

District 38 (Bergen and Passaic)

Assemblyman NICHOLAS CHIARAVALLOTI

District 31 (Hudson)

Co-Sponsored by:

Assemblyman Greenwald

SYNOPSIS

Urges Congress to oppose pending federal concealed carry reciprocity legislation.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 3/6/2018)

1 **AN ASSEMBLY RESOLUTION** urging Congress to oppose pending
2 federal concealed carry reciprocity legislation.
3

4 **WHEREAS**, According to the Centers for Disease Control and
5 Prevention, in 2015 there were 36,252 firearms deaths in the United
6 States, including 12,979 homicides and 22,018 suicides; in addition,
7 an average of 78,815 non-fatal firearms injuries occur each year;
8 and

9 **WHEREAS**, The Second Amendment of the United States Constitution
10 confers an individual right to keep and bear arms, but the United
11 States Supreme Court has made it clear that this right, like most
12 rights in the Bill of Rights, is not unlimited; and

13 **WHEREAS**, The Second Amendment right has long been considered an
14 area that is subject to regulation by the states, and courts have held
15 that restrictions such as licensing laws, background checks, and
16 waiting periods are not inconsistent with the Second Amendment;
17 and

18 **WHEREAS**, State laws related to gun control vary widely across the
19 United States, with 39 states requiring a state-issued permit in order
20 to carry a concealed weapon in public; nine of these states have
21 “may issue” laws granting the issuing authority wide discretion to
22 deny a concealed carry permit, and 30 of these states have “shall
23 issue” laws requiring the issuing authority to grant most concealed
24 carry permit requests; and

25 **WHEREAS**, Researchers at Boston’s Children’s Hospital and the
26 Harvard School of Public Health found that states with the most
27 firearm regulations have a lower rate of firearm fatalities overall,
28 and for suicides and homicides individually; and

29 **WHEREAS**, In 2013, the Brady Campaign to Prevent Gun Violence
30 graded the gun laws of the different states and found that seven
31 states with the highest grades, including New Jersey, also have the
32 lowest gun death rates nationwide, while many states with the
33 weakest gun laws have the highest gun death rates; and

34 **WHEREAS**, In District of Columbia v. Heller, 554 U.S. 570 (2008),
35 and McDonald v. City of Chicago, 130 S. Ct. 3020 (2010), the
36 United States Supreme Court held that an outright ban on weapons
37 inside the home unconstitutionally undermined the Second
38 Amendment right to keep and bear arms, but in both decisions the
39 Supreme Court articulated that commonsense regulations of guns
40 by the states would not infringe this right; and

41 **WHEREAS**, New Jersey’s gun safety laws, among the strongest in the
42 nation, prohibit its citizens from carrying a handgun in public
43 unless they have obtained a permit to carry that handgun; and

44 **WHEREAS**, To obtain a permit to carry a handgun, an applicant is
45 required to demonstrate “justifiable need,” which is defined as
46 “the urgent necessity for self-protection, as evidenced by serious
47 threats, specific threats, or previous attacks, which demonstrate a
48 special danger to the applicant's life that cannot be avoided by

1 reasonable means other than by issuance of a permit to carry a
2 handgun”; and

3 **WHEREAS**, While there have been several legal challenges to the
4 justifiable need standard, both State and federal courts have
5 upheld the constitutionality of the State’s justifiable need
6 requirement, and the United States Supreme Court has denied
7 certiorari on the constitutional challenge; and

8 **WHEREAS**, Federal concealed carry reciprocity legislation, currently
9 pending in Congress as companion bills S.446, the “Constitutional
10 Concealed Carry Reciprocity Act of 2017,” and H.R.38, the
11 “Concealed Carry Reciprocity Act of 2017,” would authorize gun
12 owners with concealed carry permits from one state to take their
13 guns into any other state, even if that state has stricter limits on
14 carrying concealed weapons; and

15 **WHEREAS**, This legislation would effectively override New Jersey’s
16 and many other states’ existing gun safety laws and would provide
17 a loophole for gun owners who are currently unable to obtain a
18 permit to carry a handgun in their own state; and

19 **WHEREAS**, It is therefore fitting and proper for Congress to oppose
20 these federal concealed carry reciprocity bills in order to preserve
21 the right of New Jersey and other states to regulate gun safety, a
22 right which has been explicitly recognized by the United States
23 Supreme Court and has been held to be consistent with the Second
24 Amendment; now, therefore,

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26 **BE IT RESOLVED** by the General Assembly of the State of New
27 Jersey:

28

29 1. This House urges the United States Congress to oppose the
30 federal concealed carry reciprocity legislation that is currently
31 pending in Congress as companion bills S.446, the “Constitutional
32 Concealed Carry Reciprocity Act of 2017,” and H.R.38, the
33 “Concealed Carry Reciprocity Act of 2017,” in order to preserve the
34 right of New Jersey and other states to regulate gun safety, a right
35 that has been explicitly recognized by the United States Supreme
36 Court and has been held to be consistent with the Second
37 Amendment.

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39 2. Copies of this resolution, as filed with the Secretary of State,
40 shall be transmitted by the Clerk of the General Assembly to the
41 President of the United States Senate, the Speaker of the United States
42 House of Representatives, and each member of Congress elected from
43 this State.

STATEMENT

This resolution urges Congress to oppose federal concealed carry reciprocity legislation that is currently pending in Congress as companion bills S.446, the “Constitutional Concealed Carry Reciprocity Act of 2017,” and H.R.38, the “Concealed Carry Reciprocity Act of 2017,” in order to preserve the right of New Jersey and other states to regulate gun safety. These federal bills would authorize people with concealed carry permits from one state to take their guns into any other state, even if that state has stricter limits on carrying concealed weapons.

The Second Amendment of the United States Constitution confers an individual right to keep and bear arms; however, the United States Supreme Court has made it clear that this right, like most rights in the Bill of Rights, is not unlimited. In Heller v. District of Columbia, and McDonald v. City of Chicago, the Supreme Court held that an outright ban on weapons inside the home unconstitutionally undermined the Second Amendment right to keep and bear arms; however, in both decisions, the Supreme Court articulated that commonsense regulations of guns by the states would not infringe the Second Amendment.

State laws related to gun control vary widely across the United States. States with the most stringent gun safety laws, including New Jersey, also have the lowest gun death rates nationwide, while many states with the weakest gun laws have the highest gun death rates. New Jersey’s gun safety laws, which are among the strongest in the nation, prohibit its citizens from carrying a handgun in public unless they have obtained a permit to carry that handgun.

To obtain a permit to carry a handgun in New Jersey, an applicant is required to demonstrate justifiable need which is defined as “the urgent necessity for self-protection, as evidenced by serious threats, specific threats, or previous attacks, which demonstrate a special danger to the applicant's life that cannot be avoided by reasonable means other than by issuance of a permit to carry a handgun. Both State and federal courts have upheld the constitutionality of the justifiable need requirement, and the United States Supreme Court has denied certiorari on the constitutional challenge.

By allowing gun owners from states that do not require concealed carry permits to carry weapons in states that require permits to openly carry a handgun, the pending federal concealed carry reciprocity bills effectively override New Jersey’s and many other existing states’ gun laws and provide a loophole for gun owners who are currently unable to obtain a permit to carry a handgun in their own state.