

**ASSEMBLY, No. 4612**

---

**STATE OF NEW JERSEY**

**219th LEGISLATURE**

---

INTRODUCED SEPTEMBER 14, 2020

**Sponsored by:**

**Assemblyman RONALD S. DANCER**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**Assemblyman THOMAS P. GIBLIN**

**District 34 (Essex and Passaic)**

**Co-Sponsored by:**

**Assemblymen Simonsen and McClellan**

**SYNOPSIS**

Allows fully qualified retired law enforcement officers to carry handguns without permit.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 9/17/2020)**

1 AN ACT concerning retired law enforcement officers and permits to  
2 carry and amending 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 weapons by the Superintendent of State  
28 Police, State park police officer, or State conservation police officer;

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

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

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  
6 weapon 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  
9 officer appointed by the governing body of any county or  
10 municipality, except as provided in subparagraph (b) of this  
11 paragraph, or by the commission, board or other body having control  
12 of a county park or airport or boulevard police force, while engaged  
13 in the actual performance of the officer's official duties and when  
14 specifically authorized by the governing body to carry weapons;

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

29 (9) A juvenile correctional police officer in the employment of  
30 the 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 the person's official  
36 duties, if the federal licensee certifies that the designated employee  
37 or designated licensed agent is assigned to perform site protection,  
38 guard, armed response or armed escort duties and is appropriately  
39 trained and qualified, as prescribed by federal regulation, to perform  
40 those duties. Any firearm utilized by an employee or agent for a  
41 nuclear power plant pursuant to this paragraph shall be returned each  
42 day at the end of the employee's or agent's authorized official duties  
43 to the employee's or agent's supervisor. All firearms returned each  
44 day pursuant to this paragraph shall be stored in locked containers  
45 located in a secure area;

46 (11) A county correctional police officer at all times while in the  
47 State of New Jersey, provided the officer annually passes an

1 examination approved by the superintendent testing the officer's  
2 proficiency in the handling of firearms.

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

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

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

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

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

26 (2) A State deputy conservation police officer or a full-time  
27 employee of the Division of Parks and Forestry having the power of  
28 arrest and authorized to carry weapons, while in the actual  
29 performance of the officer's official duties;

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

31 (4) A court attendant appointed by the sheriff of the county or by  
32 the judge of any municipal court or other court of this State, while in  
33 the actual performance of the attendant's official duties;

34 (5) A guard employed by any railway express company, banking  
35 or building and loan or savings and loan institution of this State,  
36 while in the actual performance of the guard's official duties;

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

41 (7) A municipal humane law enforcement officer, authorized  
42 pursuant to subsection d. of section 25 of P.L.2017, c.331 (C.4:22-  
43 14.1), or humane law enforcement officer of a county society for the  
44 prevention of cruelty to animals authorized pursuant to subsection c.  
45 of section 29 of P.L.2017, c.331 (C.4:22-14.5), while in the actual  
46 performance of the officer's duties;

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

- 1 (9) A railway policeman, except a transit police officer of the  
2 New Jersey Transit Police Department, at all times while in the State  
3 of New Jersey, provided that the person has passed an approved  
4 police academy training program consisting of at least 280 hours.  
5 The training program shall include, but need not be limited to, the  
6 handling of firearms, community relations, and juvenile relations;
- 7 (10) A campus police officer appointed under P.L.1970, c.211  
8 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry a  
9 firearm, a campus police officer shall take and successfully complete  
10 a firearms training course administered by the Police Training  
11 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and  
12 shall annually qualify in the use of a revolver or similar weapon prior  
13 to being permitted to carry a firearm;
- 14 (11) (Deleted by amendment, P.L.2003, c.168).
- 15 (12) A transit police officer of the New Jersey Transit Police  
16 Department, at all times while in the State of New Jersey, provided  
17 the officer has satisfied the training requirements of the Police  
18 Training Commission, pursuant to subsection c. of section 2 of  
19 P.L.1989, c.291 (C.27:25-15.1);
- 20 (13) A parole officer employed by the State Parole Board at all  
21 times. Prior to being permitted to carry a firearm, a parole officer  
22 shall take and successfully complete a basic course for regular police  
23 officer training administered by the Police Training Commission,  
24 pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually  
25 qualify in the use of a revolver or similar weapon prior to being  
26 permitted to carry a firearm;
- 27 (14) A Human Services police officer at all times while in the State  
28 of New Jersey, as authorized by the Commissioner of Human  
29 Services;
- 30 (15) A person or employee of any person who, pursuant to and as  
31 required by a contract with a governmental entity, supervises or  
32 transports persons charged with or convicted of an offense;
- 33 (16) A housing authority police officer appointed under P.L.1997,  
34 c.210 (C.40A:14-146.19 et al.) at all times while in the State of New  
35 Jersey; or
- 36 (17) A probation officer assigned to the "Probation Officer  
37 Community Safety Unit" created by section 2 of P.L.2001, c.362  
38 (C.2B:10A-2) while in the actual performance of the probation  
39 officer's official duties. Prior to being permitted to carry a firearm, a  
40 probation officer shall take and successfully complete a basic course  
41 for regular police officer training administered by the Police Training  
42 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and  
43 shall annually qualify in the use of a revolver or similar weapon prior  
44 to being permitted to carry a firearm.
- 45 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to  
46 antique firearms, provided that the antique firearms are unloaded or  
47 are being fired for the purposes of exhibition or demonstration at an  
48 authorized target range or in another manner approved in writing by

1 the chief law enforcement officer of the municipality in which the  
2 exhibition or demonstration is held, or if not held on property under  
3 the control of a particular municipality, the superintendent.

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

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

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

24 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
25 N.J.S.2C:39-5 do not apply to the transportation of unloaded antique  
26 cannons directly to or from exhibitions or demonstrations authorized  
27 under paragraph (4) of subsection d. of this section, provided that the  
28 transportation is in compliance with safety regulations the  
29 superintendent may promulgate. Those subsections shall not apply  
30 to transportation directly to or from exhibitions or demonstrations  
31 authorized under the law of another jurisdiction, provided that the  
32 superintendent has been given 30 days' notice and that the  
33 transportation is in compliance with safety regulations the  
34 superintendent may promulgate.

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

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

- 1 (1) A member of any rifle or pistol club organized in accordance  
2 with the rules prescribed by the National Board for the Promotion of  
3 Rifle Practice, in going to or from a place of target practice, carrying  
4 firearms necessary for target practice, provided that the club has filed  
5 a copy of its charter with the superintendent and annually submits a  
6 list of its members to the superintendent and provided further that the  
7 firearms are carried in the manner specified in subsection g. of this  
8 section;
- 9 (2) A person carrying a firearm or knife in the woods or fields or  
10 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 the  
13 person has in his possession a valid hunting license, or, with respect  
14 to fresh 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 possession a valid hunting or  
18 fishing license; or
- 19 (b) Directly to or from any target range, or other authorized place  
20 for the purpose of practice, match, target, trap or skeet shooting  
21 exhibitions, provided in all cases that during the course of the travel  
22 all firearms are carried in the manner specified in subsection g. of  
23 this section and the person has complied with all the provisions and  
24 requirements of Title 23 of the Revised Statutes and any amendments  
25 thereto and all rules and regulations promulgated thereunder; or
- 26 (c) In the case of a firearm, directly to or from any exhibition or  
27 display of firearms which is sponsored by any law enforcement  
28 agency, any rifle or pistol club, or any firearms collectors club, for  
29 the purpose of displaying the firearms to the public or to the members  
30 of the organization or club, provided, however, that not less than 30  
31 days prior to the exhibition or display, notice of the exhibition or  
32 display shall be given to the Superintendent of the State Police by the  
33 sponsoring organization or club, and the sponsor has complied with  
34 any reasonable safety regulations the superintendent may  
35 promulgate. Any firearms transported pursuant to this section shall  
36 be transported in the manner specified in subsection g. of this section;
- 37 (4) A person from keeping or carrying about a private or  
38 commercial aircraft or any boat, or from transporting to or from the  
39 aircraft or boat for the purpose of installation or repair of a visual  
40 distress signaling device approved by the United States Coast Guard.
- 41 g. Any weapon being transported under paragraph (2) of  
42 subsection b., subsection e., or paragraph (1) or (3) of subsection f.  
43 of this section shall be carried unloaded and contained in a closed and  
44 fastened case, gunbox, securely tied package, or locked in the trunk  
45 of the automobile in which it is being transported, and in the course  
46 of travel shall include only deviations as are reasonably necessary  
47 under the circumstances.

1       h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed  
2 to prevent any employee of a public utility, as defined in R.S.48:2-  
3 13, doing business in this State or any United States Postal Service  
4 employee, while in the actual performance of duties which  
5 specifically require regular and frequent visits to private premises,  
6 from possessing, carrying or using any device which projects,  
7 releases or emits any substance specified as being noninjurious to  
8 canines or other animals by the Commissioner of Health and which  
9 immobilizes only on a temporary basis and produces only temporary  
10 physical discomfort through being vaporized or otherwise dispensed  
11 in the air for the sole purpose of repelling canine or other animal  
12 attacks.

13       The device shall be used solely to repel only those canine or other  
14 animal attacks when the canines or other animals are not restrained  
15 in a fashion sufficient to allow the employee to properly perform the  
16 employee's duties.

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

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

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

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

44       The exempt person shall not possess or carry a firearm until the  
45 person has satisfactorily completed a firearms training course and  
46 shall annually qualify in the use of a revolver or similar weapon. For  
47 purposes of this subsection, a "firearms training course" means a  
48 course of instruction in the safe use, maintenance and storage of

1 firearms which is approved by the Police Training Commission. The  
2 commission shall approve a firearms training course if the  
3 requirements of the course are substantially equivalent to the  
4 requirements for firearms training provided by police training  
5 courses which are certified under section 6 of P.L.1961, c.56  
6 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3),  
7 or (6) of subsection a. of this section shall be exempt from the  
8 requirements of this subsection.

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

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

1 officer exempted pursuant to paragraph (4) of subsection a. of this  
2 section; a full-time Palisades Interstate Park officer appointed  
3 pursuant to R.S.32:14-21; a full-time Burlington County Bridge  
4 police officer appointed pursuant to section 1 of P.L.1960, c.168  
5 (C.27:19-36.3); a full-time housing authority police officer exempted  
6 pursuant to paragraph (16) of subsection c. of this section; a full-time  
7 juvenile correctional police officer exempted pursuant to paragraph  
8 (9) of subsection a. of this section; a full-time parole officer  
9 exempted pursuant to paragraph (13) of subsection c. of this section;  
10 a full-time railway policeman exempted pursuant to paragraph (9) of  
11 subsection c. of this section; a full-time county prosecutor's detective  
12 or investigator; a full-time federal law enforcement officer; or is a  
13 qualified retired law enforcement officer, as used in the federal "Law  
14 Enforcement Officers Safety Act of 2004," Pub.L. 108-277,  
15 domiciled in this State from carrying a handgun in the same manner  
16 as law enforcement officers exempted under paragraph (7) of  
17 subsection a. of this section [under the conditions provided herein:

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

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

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

29 (b) The date that the retired officer was hired and the date that the  
30 officer retired;

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

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

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

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

43 (4) The superintendent shall issue to an approved retired officer  
44 an identification card permitting the retired officer to carry a handgun  
45 pursuant to this subsection. This identification card shall be valid for  
46 one year from the date of issuance and shall be valid throughout the  
47 State. The identification card shall not be transferable to any other  
48 person. The identification card shall be carried at all times on the

1 person of the retired officer while the retired officer is carrying a  
2 handgun. The retired officer shall produce the identification card for  
3 review on the demand of any law enforcement officer or authority.

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

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

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

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

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

1 approved training course, in order to dispatch injured or dangerous  
2 animals or for non-lethal use for the purpose of frightening, hazing  
3 or aversive conditioning of nuisance or depredating wildlife.  
4 (cf: P.L.2019, c.407, s.2)

5  
6 2. This act shall take effect immediately  
7  
8

9 STATEMENT  
10

11 This bill permits retired law enforcement officers to carry a  
12 handgun in this State without a permit.

13 Under current law, a retired LEO is required to obtain a permit in  
14 order to carry a handgun. In order to be qualified to obtain the permit,  
15 a retired LEO is required to: (1) meet certain conditions of  
16 employment prior to retirement; (2) qualify semi-annually in the use  
17 of a handgun; and (3) be under the age of 75. If a retired LEO meets  
18 the qualifications, the retired LEO is required to submit an  
19 application to the Superintendent of State Police for a permit to carry  
20 a handgun and to submit a renewal application annually thereafter.

21 This bill preserves the qualifications to carry a handgun, but  
22 provides that a qualified retired LEO would no longer need to apply  
23 to the superintendent for a permit.