

ASSEMBLY, No. 231

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman GARCIA

1 AN ACT concerning the use of certain weapons by veterinarians and  
2 animal control officers and amending N.J.S.2C:39-6.

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

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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 officers  
15 and employees required to carry firearms in the performance of their  
16 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 ranger, or State conservation officer;

29 (5) A prison or jail warden of any penal institution in this State or  
30 his deputies, or an employee of the Department of Corrections  
31 engaged in the interstate transportation of convicted offenders, while  
32 in the performance of his duties, and when required to possess the

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 weapon by his superior officer, or a correction officer or keeper of a  
2 penal institution in this State at all times while in the State of New  
3 Jersey, provided he annually passes an examination approved by the  
4 superintendent testing his proficiency in the handling of firearms;

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

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

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

18 (c) An airport security officer or a special law enforcement officer  
19 appointed by the governing body of any county or municipality, except  
20 as provided in subsection b. of this section, or by the commission,  
21 board or other body having control of a county park or airport or  
22 boulevard police force, while engaged in the actual performance of his  
23 official duties and when specifically authorized by the governing body  
24 to carry weapons; or

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

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

39 (1) A law enforcement officer employed by a governmental agency  
40 outside of the State of New Jersey while actually engaged in his  
41 official duties, provided, however, that he has first notified the  
42 superintendent or the chief law enforcement officer of the municipality  
43 or the prosecutor of the county in which he is engaged; or

44 (2) A licensed dealer in firearms and his registered employees  
45 during the course of their normal business while traveling to and from  
46 their place of business and other places for the purpose of

1 demonstration, exhibition or delivery in connection with a sale,  
2 provided, however, that the weapon is carried in the manner specified  
3 in subsection g. of this section.

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

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

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

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

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

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

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

29 (7) An officer of the Society for the Prevention of Cruelty to  
30 Animals, while in the actual performance of his duties;

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

33 (9) A railway policeman, except a transit police officer of the New  
34 Jersey Transit Police Department, at all times while in the State of  
35 New Jersey, provided that he has passed an approved police academy  
36 training program consisting of at least 280 hours. The training  
37 program shall include, but need not be limited to, the handling of  
38 firearms, community relations, and juvenile relations;

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

46 (11) A person who has not been convicted of a crime under the

1 laws of this State or under the laws of another state or the United  
2 States, and who is employed as a full-time security guard for a nuclear  
3 power plant under the license of the Nuclear Regulatory Commission,  
4 while in the actual performance of his official duties;

5 (12) A transit police officer of the New Jersey Transit Police  
6 Department, at all times while in the State of New Jersey, provided the  
7 officer has satisfied the training requirements of the Police Training  
8 Commission, pursuant to subsection c. of section 2 of P.L.1989, c.291  
9 (C.27:25-15.1); [or]

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

17 (14) A veterinarian or certified animal control officer under the  
18 supervision of a veterinarian who has been trained in the use of  
19 projectiles carrying immobilizing drugs or medication while in the  
20 actual performance of his duties.

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

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

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

40 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
41 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded  
42 or fired by one eligible to possess an antique cannon, for purposes of  
43 exhibition or demonstration at an authorized target range or in the  
44 manner as has been approved in writing by the chief law enforcement  
45 officer of the municipality in which the exhibition or demonstration is  
46 held, or if not held on property under the control of a particular

1 municipality, the superintendent, provided that performer has given at  
2 least 30 days' notice to the superintendent.

3 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
4 N.J.S.2C:39-5 do not apply to the transportation of unloaded antique  
5 cannons directly to or from exhibitions or demonstrations authorized  
6 under paragraph (4) of subsection d. of this section, provided that the  
7 transportation is in compliance with safety regulations the  
8 superintendent may promulgate. Nor do those subsections apply to  
9 transportation directly to or from exhibitions or demonstrations  
10 authorized under the law of another jurisdiction, provided that the  
11 superintendent has been given 30 days' notice and that the  
12 transportation is in compliance with safety regulations the  
13 superintendent may promulgate.

14 e. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be  
15 construed to prevent a person keeping or carrying about his place of  
16 business, residence, premises or other land owned or possessed by  
17 him, any firearm, or from carrying the same, in the manner specified  
18 in subsection g. of this section, from any place of purchase to his  
19 residence or place of business, between his dwelling and his place of  
20 business, between one place of business or residence and another when  
21 moving, or between his dwelling or place of business and place where  
22 such firearms are repaired, for the purpose of repair. For the  
23 purposes of this section, a place of business shall be deemed to be a  
24 fixed location.

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

27 (1) A member of any rifle or pistol club organized in accordance  
28 with the rules prescribed by the National Board for the Promotion of  
29 Rifle Practice, in going to or from a place of target practice, carrying  
30 such firearms as are necessary for said target practice, provided that  
31 the club has filed a copy of its charter with the superintendent and  
32 annually submits a list of its members to the superintendent and  
33 provided further that the firearms are carried in the manner specified  
34 in subsection g. of this section;

35 (2) A person carrying a firearm or knife in the woods or fields or  
36 upon the waters of this State for the purpose of hunting, target  
37 practice or fishing, provided that the firearm or knife is legal and  
38 appropriate for hunting or fishing purposes in this State and he has in  
39 his possession a valid hunting license, or, with respect to fresh water  
40 fishing, a valid fishing license;

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

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

45 (b) Directly to or from any target range, or other authorized place  
46 for the purpose of practice, match, target, trap or skeet shooting

1 exhibitions, provided in all cases that during the course of the travel  
2 all firearms are carried in the manner specified in subsection g. of this  
3 section and the person has complied with all the provisions and  
4 requirements of Title 23 of the Revised Statutes and any amendments  
5 thereto and all rules and regulations promulgated thereunder; or

6 (c) In the case of a firearm, directly to or from any exhibition or  
7 display of firearms which is sponsored by any law enforcement agency,  
8 any rifle or pistol club, or any firearms collectors club, for the purpose  
9 of displaying the firearms to the public or to the members of the  
10 organization or club, provided, however, that not less than 30 days  
11 prior to the exhibition or display, notice of the exhibition or display  
12 shall be given to the Superintendent of the State Police by the  
13 sponsoring organization or club, and the sponsor has complied with  
14 such reasonable safety regulations as the superintendent may  
15 promulgate. Any firearms transported pursuant to this section shall be  
16 transported in the manner specified in subsection g. of this section;

17 (4) A person from keeping or carrying about a private or  
18 commercial aircraft or any boat, or from transporting to or from such  
19 vessel for the purpose of installation or repair a visual distress  
20 signalling device approved by the United States Coast Guard.

21 g. All weapons being transported under paragraph (2) of  
22 subsection b., subsection e., or paragraph (1) or (3) of subsection f. of  
23 this section shall be carried unloaded and contained in a closed and  
24 fastened case, gunbox, securely tied package, or locked in the trunk of  
25 the automobile in which it is being transported, and in the course of  
26 travel shall include only such deviations as are reasonably necessary  
27 under the circumstances.

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

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

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

46 i. Nothing in N.J.S.2C:39-5 shall be construed to prevent any

1 person who is 18 years of age or older and who has not been convicted  
2 of a felony, from possession for the purpose of personal self-defense  
3 of one pocket-sized device which contains and releases not more than  
4 three-quarters of an ounce of chemical substance not ordinarily  
5 capable of lethal use or of inflicting serious bodily injury, but rather,  
6 is intended to produce temporary physical discomfort or disability  
7 through being vaporized or otherwise dispensed in the air. Any person  
8 in possession of any device in violation of this subsection shall be  
9 deemed and adjudged to be a disorderly person, and upon conviction  
10 thereof, shall be punished by a fine of not less than \$100.00.

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

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

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

34 (cf: P.L.1993, c.246, s.2)

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36 2. This act shall take effect immediately.

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#### STATEMENT

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41 Under the provisions of this bill, a veterinarian or certified animal  
42 control officer would be able to carry and use a tranquilizer gun while  
43 in the actual performance of his duties. The certified animal control  
44 officer must be under the supervision of a veterinarian, since the  
45 tranquilizer gun will carry immobilizing drugs or medication. Current  
46 law provides that, in order to be exempt from the provisions of N.J.S.

1 2C:39-5 pertaining to the carrying of weapons, a person must  
2 satisfactorily complete a firearms training course administered by the  
3 Police Training Commission. A tranquilizer gun may be a rifle,  
4 handgun or blow dart or other projectile which carries the drug or  
5 medication.

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10 Permits veterinarians and certain animal control officers to carry  
11 tranquilizer guns.