

ASSEMBLY, No. 1834

STATE OF NEW JERSEY

INTRODUCED MAY 2, 1996

By Assemblywoman HECK

1 AN ACT concerning firearms, amending N.J.S.2C:39-6 and
2 supplementing chapter 39 of Title 2C of the New Jersey Statutes.

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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
33 weapon by his superior officer, or a correction officer or keeper of a
34 penal institution in this State at all times while in the State of New

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 Jersey, provided he annually passes an examination approved by the
2 superintendent testing his proficiency in the handling of firearms;

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

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

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

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

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

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

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

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

46 (2) A licensed dealer in firearms and his registered employees

1 during the course of their normal business while traveling to and from
2 their place of business and other places for the purpose of
3 demonstration, exhibition or delivery in connection with a sale,
4 provided, however, that the weapon is carried in the manner specified
5 in subsection g. of this section.

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

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

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

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

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

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

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

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

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

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

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

1 to being permitted to carry a firearm;

2 (11) A person who has not been convicted of a crime under the
3 laws of this State or under the laws of another state or the United
4 States, and who is employed as a full-time security guard for a nuclear
5 power plant under the license of the Nuclear Regulatory Commission,
6 while in the actual performance of his official duties;

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

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

19 (14) Human Services police officer at all times while in the State
20 of New Jersey, as authorized by the Commissioner of Human Services;
21 or

22 (15) A person or employee of any person who, pursuant to and as
23 required by a contract with a governmental entity, supervises or
24 transports persons charged with or convicted of an offense.

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

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

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

44 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of
45 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded
46 or fired by one eligible to possess an antique cannon, for purposes of

1 exhibition or demonstration at an authorized target range or in the
2 manner as has been approved in writing by the chief law enforcement
3 officer of the municipality in which the exhibition or demonstration is
4 held, or if not held on property under the control of a particular
5 municipality, the superintendent, provided that performer has given at
6 least 30 days' notice to the superintendent.

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

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

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

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

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

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

46 (a) Directly to or from any place for the purpose of hunting or

1 fishing, provided the person has in his possession a valid hunting or
2 fishing license; or

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

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

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

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

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

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

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

4 i. Nothing in N.J.S.2C:39-5 shall be construed to prevent any
5 person who is 18 years of age or older and who has not been convicted
6 of a felony, from possession for the purpose of personal self-defense
7 of one pocket-sized device which contains and releases not more than
8 three-quarters of an ounce of chemical substance not ordinarily
9 capable of lethal use or of inflicting serious bodily injury, but rather,
10 is intended to produce temporary physical discomfort or disability
11 through being vaporized or otherwise dispensed in the air. Any person
12 in possession of any device in violation of this subsection shall be
13 deemed and adjudged to be a disorderly person, and upon conviction
14 thereof, shall be punished by a fine of not less than \$100.00.

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

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

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

38 l. Nothing in subsection b. of N.J.S.2C:39-6 shall be construed to
39 prevent a law enforcement officer who retired in good standing, is not
40 over 70 years of age and who was regularly employed or has obtained
41 service credit for an aggregate of 25 or more years as a full-time
42 member of a law enforcement agency in this State or a full-time
43 member of the State Police from carrying a handgun under the
44 conditions provided herein. The retired officer, within six months
45 after retirement, shall make application in writing to and may receive
46 approval, subject to the qualifications set forth in N.J.S.2C:58-3, to

1 carry the handgun for one year by the chief law enforcement officer
2 of the county or municipality wherein he was last regularly employed
3 as a full-time law enforcement officer prior to his retirement, by the
4 head of the law enforcement agency where he was last regularly
5 employed, or, in the case of a retired member of the State Police, by
6 the superintendent. An application for annual renewal shall be
7 submitted in the same manner to the chief law enforcement officer of
8 the county or municipality, to the head of the law enforcement agency,
9 or to the superintendent, as appropriate.

10 Whenever a chief law enforcement officer, head of the law
11 enforcement agency, or superintendent shall approve a retired law
12 enforcement officer's application or reapplication to carry a handgun
13 pursuant to the provisions of this subsection, he shall forthwith so
14 notify in writing the chief law enforcement officer of the municipality
15 wherein that retired law enforcement officer resides. In the event the
16 retired law enforcement officer resides in a municipality having no
17 chief law enforcement officer, the notice shall be filed with the
18 superintendent.

19 A retiree approved to carry a handgun under this subsection shall
20 qualify in the use of the handgun he is permitted to carry. The
21 qualification, which shall be in accordance with the procedures
22 established by the Attorney General pursuant to subsection j. of this
23 section, shall be conducted in the municipality wherein the retired law
24 enforcement officer was last regularly employed as a full-time officer
25 prior to his retirement or, in the case of a retired member of the State
26 Police, at a place designated by the superintendent. A retiree who fails
27 to so qualify at any time or becomes subject to any of the disabilities
28 set forth in subsection c. of N.J.S.2C:58-3 shall be disqualified to carry
29 a handgun under this subsection.

30 A retired law enforcement officer approved to carry a handgun
31 under this subsection shall provide proof of either a bond or insurance
32 sufficient to protect and absolve the public entity of any and all claims
33 arising or which may arise from his carrying that handgun.

34 m. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed to
35 prevent a federal law enforcement officer or member of an interstate
36 police force who retired in good standing, is not over 70 years of age
37 and who was regularly employed or has obtained service credit for an
38 aggregate of 25 of more years as a full-time member of a federal law
39 enforcement agency or an interstate police force from carrying a
40 handgun under the conditions provided herein. The retired federal law
41 enforcement officer or member of an interstate police force, within six
42 months after retirement, shall make application in writing to, and may
43 receive approval, subject to the qualifications set forth in
44 N.J.S.2C:58-3, to carry the handgun for one year by the
45 superintendent. An application for annual renewal shall be submitted
46 in the same manner to the superintendent.

1 Whenever the superintendent shall approve a retired federal law
2 enforcement officer's application or reapplication, or the application
3 or reapplication of a retired member of an interstate police force to
4 carry a handgun pursuant to the provisions of this subsection, the
5 superintendent shall forthwith so notify in writing the chief law
6 enforcement officer of the municipality wherein that retired federal law
7 enforcement officer or retired member of an interstate police force
8 resides.

9 A retiree approved to carry a handgun under this subsection shall
10 qualify in the use of the handgun he is permitted to carry. The
11 qualification, which shall be in accordance with the procedures
12 established by the Attorney General pursuant to subsection j. of this
13 section, shall be conducted at a place designated by the
14 superintendent. A retired federal law enforcement officer or retired
15 member of an interstate police force who fails to so qualify at any time
16 or becomes subject to any of the disabilities set forth in subsection c.
17 of N.J.S.2C:58-3 shall be disqualified to carry a handgun under this
18 subsection.

19 A retired federal law enforcement officer or retired member of an
20 interstate police force approved to carry a handgun under this
21 subsection shall provide proof of either a bond or insurance sufficient
22 to protect and absolve the public entity of any and all claims arising or
23 which may arise from the retired officer carrying that handgun.

24 (cf: P.L. 1995, c.280, s.21)

25
26 2. (New section) a. Any retired law enforcement officer who
27 meets the qualifications set forth in subsection 1. of N.J.S.2C:39-6,
28 but retired prior to the enactment of P.L. , c. (now pending before
29 the Legislature as this bill), may apply and receive approval to carry
30 a handgun. Any such application shall be in the manner provided in
31 subsection l. of N.J.S. 2C:39-6. A retired law enforcement officer
32 whose application is approved in accordance with that subsection
33 shall be subject to all the restrictions, qualifications and requirements
34 set forth therein.

35 b. Any retired federal law enforcement officer or retired member
36 of an interstate police force who meets the qualifications set forth in
37 subsection m. of N.J.S.2C:39-6, but retired prior to the enactment of
38 P.L. , c.)(now pending before the Legislature as this bill), may
39 apply and receive approval to carry a handgun. Any such application
40 shall be in the manner provided in subsection m. of N.J.S.2C:39-6. A
41 retired federal law enforcement officer or retired member of an
42 interstate police force whose application is approved in accordance
43 with that subsection shall be subject to all the restrictions,
44 qualifications, and requirements set forth therein.

