

ASSEMBLY, No. 2140

STATE OF NEW JERSEY

INTRODUCED JUNE 10, 1996

By Assemblyman GEIST and Assemblywoman CRECCO

1 AN ACT concerning firearms and amending N.J.S.2C:39-6.

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

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6 1. N.J.S.2C:39-6 is amended to read as follows:

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

9 (1) Members of the Armed Forces of the United States or of the
10 National Guard while actually on duty, or while traveling between
11 places of duty and carrying authorized weapons in the manner
12 prescribed by the appropriate military authorities;

13 (2) Federal law enforcement officers, and any other federal officers
14 and employees required to carry firearms in the performance of their
15 official duties;

16 (3) Members of the State Police and, under conditions prescribed
17 by the superintendent, members of the Marine Law Enforcement
18 Bureau of the Division of State Police;

19 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
20 assistant prosecutor, prosecutor's detective or investigator, deputy
21 attorney general or State investigator employed by the Division of
22 Criminal Justice of the Department of Law and Public Safety,
23 investigator employed by the State Commission of Investigation,
24 inspector of the Alcoholic Beverage Control Enforcement Bureau of
25 the Division of State Police in the Department of Law and Public
26 Safety authorized to carry such weapons by the Superintendent of
27 State Police, State park ranger, or State conservation officer;

28 (5) A prison or jail warden of any penal institution in this State or
29 his deputies, or an employee of the Department of Corrections
30 engaged in the interstate transportation of convicted offenders, while
31 in the performance of his duties, and when required to possess the
32 weapon by his superior officer, or a correction officer or keeper of a
33 penal institution in this State at all times while in the State of New
34 Jersey, provided he annually passes an examination approved by 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 superintendent testing his proficiency in the handling of firearms;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (16) An officer employed by the federal Bureau of Prisons, at all
25 times while in the State of New Jersey, provided the officer's superior
26 so authorizes and certifies to the Superintendent of State Police that
27 the officer is appropriately trained and qualified to carry that firearm.

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

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

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

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

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

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

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

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

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

1 fishing, a valid fishing license;

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

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

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

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

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

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

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

46 The device shall be used solely to repel only those canine or other

1 animal attacks when the canines or other animals are not restrained in
2 a fashion sufficient to allow the employee to properly perform his
3 duties.

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

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

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

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

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

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

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43 2. This act shall take effect immediately.

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STATEMENT

This bill would permit certain officers of the federal Bureau of Prisons to carry firearms at all times when in the State.

Under the provisions of the bill, an officer employed by the federal Bureau of Prisons would be authorized to carry a firearm at all times if two conditions are met. First, the officer's superior must specifically authorize the officer to carry the firearm; and second, the officer's superior must certify to the Superintendent of State Police that the officer is appropriately trained and qualified to carry that weapon.

Permits certain federal Bureau of Prison officers to carry firearms at all times.