

ASSEMBLY, No. 2941

STATE OF NEW JERSEY

INTRODUCED MAY 8, 1997

By Assemblywoman CRECCO

1 AN ACT concerning firearms and amending N.J.S.2C:58-4.

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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:58-4 is amended to read as follows:

7 2C:58-4. a. Scope and duration of authority. Any person who  
8 holds a valid permit to carry a handgun issued pursuant to this section  
9 shall be authorized to carry a handgun in all parts of this State, except  
10 as prohibited by [section 2C:39-5e]N.J.S.2C:39-5. One permit shall  
11 be sufficient for all handguns owned by the holder thereof, but the  
12 permit shall apply only to a handgun carried by the actual and legal  
13 holder of the permit.

14 All permits to carry handguns shall expire 2 years from the date of  
15 issuance or, in the case of an employee of an armored car company,  
16 upon termination of his employment by the company occurring prior  
17 thereto whichever is earlier in time, and they may thereafter be  
18 renewed every 2 years in the same manner and subject to the same  
19 conditions as in the case of original applications.

20 b. Application forms. All applications for permits to carry  
21 handguns, and all applications for renewal of such permits, shall be  
22 made on the forms prescribed by the superintendent. Each application  
23 shall set forth the full name, date of birth, sex, residence, occupation,  
24 place of business or employment, and physical description of the  
25 applicant, and such other information as the superintendent may  
26 prescribe for the determination of the applicant's eligibility for a permit  
27 and for the proper enforcement of this chapter. The application shall  
28 be signed by the applicant under oath, and shall be indorsed by three  
29 reputable persons who have known the applicant for at least 3 years  
30 preceding the date of application, and who shall certify thereon that  
31 the applicant is a person of good moral character and behavior.

32 c. Investigation and approval. Each application shall in the first  
33 instance be submitted to the chief police officer of the municipality in  
34 which the applicant resides, or to the superintendent, (1) if 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 applicant is an employee of an armored car company, or (2) if there is  
2 no chief police officer in the municipality where the applicant resides,  
3 or (3) if the applicant does not reside in this State. The chief police  
4 officer, or the superintendent, as the case may be, shall cause the  
5 fingerprints of the applicant to be taken and compared with any and all  
6 records maintained by the municipality, the county in which it is  
7 located, the State Bureau of Identification and the Federal Bureau of  
8 Identification. He shall also determine and record a complete  
9 description of each handgun the applicant intends to carry.

10 No application shall be approved by the chief police officer or the  
11 superintendent unless the applicant demonstrates that he is not subject  
12 to any of the disabilities set forth in [2C:58-3c.] N.J.S.2C:58-3, that  
13 he is thoroughly familiar with the safe handling and use of handguns  
14 and that he has a justifiable need to carry a handgun; except that a  
15 person who is licensed as a private detective under "The Private  
16 Detective Act of 1939," P.L.1939, c.369 (C.45:19-8 et seq.) shall be  
17 presumed to have a justifiable need to carry a handgun while engaged  
18 in the performance of his duties and while going to or from his place  
19 of duty. If the application is not approved by the chief police officer  
20 or the superintendent within 60 days of filing, it shall be deemed to  
21 have been approved, unless the applicant agrees to an extension of  
22 time in writing.

23 d. Issuance by Superior Court; fee. If the application has been  
24 approved by the chief police officer or the superintendent, as the case  
25 may be, the applicant shall forthwith present it to the Superior Court  
26 of the county in which the applicant resides, or to the Superior Court  
27 in any county where he intends to carry a handgun, in the case of a  
28 nonresident or employee of an armored car company. The court shall  
29 issue the permit to the applicant if, but only if, it is satisfied that the  
30 applicant is a person of good character who is not subject to any of  
31 the disabilities set forth in [section 2C:58-3c.] N.J.S.2C:58-3, that he  
32 is thoroughly familiar with the safe handling and use of handguns, and  
33 that he has a justifiable need to carry a handgun. The court may at its  
34 discretion issue a limited-type permit which would restrict the  
35 applicant as to the types of handguns he may carry and where and for  
36 what purposes such handguns may be carried. At the time of  
37 issuance, the applicant shall pay to the county clerk of the county  
38 where the permit was issued a permit fee of \$20.00.

39 e. Appeals from denial of applications. Any person aggrieved by  
40 the denial by the chief police officer or the superintendent of approval  
41 for a permit to carry a handgun may request a hearing in the Superior  
42 Court of the county in which he resides or in any county in which he  
43 intends to carry a handgun, in the case of a nonresident, by filing a  
44 written request for such a hearing within 30 days of the denial. Copies  
45 of the request shall be served upon the superintendent, the county  
46 prosecutor and the chief police officer of the municipality where the

1 applicant resides, if he is a resident of this State. The hearing shall be  
2 held within 30 days of the filing of the request, and no formal pleading  
3 or filing fee shall be required. Appeals from the determination at such  
4 a hearing shall be in accordance with law and the rules governing the  
5 courts of this State.

6 If the superintendent or chief police officer approves an application  
7 and the Superior Court denies the application and refuses to issue a  
8 permit, the applicant may appeal such denial in accordance with law  
9 and the rules governing the courts of this State.

10 f. Revocation of permits. Any permit issued under this section  
11 shall be void at such time as the holder thereof becomes subject to any  
12 of the disabilities set forth in [section 2C:58-3c.] N.J.S.2C:58-3, and  
13 the holder of such a void permit shall immediately surrender the permit  
14 to the superintendent who shall give notice to the licensing authority.

15 Any permit may be revoked by the Superior Court, after hearing  
16 upon notice to the holder, if the court finds that the holder is no longer  
17 qualified for the issuance of such a permit. The county prosecutor of  
18 any county, the chief police officer of any municipality, the  
19 superintendent or any citizen may apply to the court at any time for  
20 the revocation of any permit issued pursuant to this section.

21 (cf: P.L.1981, c.135, s.1)

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23 2. This act shall take effect on the first day of the seventh month  
24 after enactment.

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## STATEMENT

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29 Under current law, a licensed private detective who wishes to carry  
30 a handgun, must meet all requirements that apply to the general public.  
31 For example, he must first apply to his local chief of police or the  
32 Superintendent of State Police, undergo a criminal background check,  
33 not be subject to the disabilities set forth in N.J.S.2C:58-3,  
34 demonstrate that he is familiar with the safe handling and use of  
35 handguns and that he has a justifiable need to carry one.

36 If approved by the police chief, the application must be submitted  
37 for approval by the Superior Court. However, in certain instances, in  
38 certain counties, private detectives who are otherwise qualified to  
39 carry a handgun have been denied permits because courts have found  
40 that they do not have a justifiable need to carry a handgun.

41 This bill would establish a presumption under law of a licensed  
42 private detective's justifiable need to carry a handgun while in the  
43 performance of his duties and while going to or from the place of such  
44 duties. It will create a uniform standard for the issuance of handgun  
45 carry permits to otherwise qualified private detectives.

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3 Establishes presumption of justifiable need of licensed private  
4 detective to carry handgun on duty.