

[First Reprint]
SENATE, No. 916

STATE OF NEW JERSEY

INTRODUCED MARCH 7, 1996

By Senators GIRGENTI, KOSCO, Rice, Cafiero, Bubba and
Scott

1 AN ACT concerning the carrying the handguns in certain cases and
2 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. Exemptions a. Provided a person complies with the
9 requirements of subsection j. of this section, N.J.S.2C:39-5 does not
10 apply to:

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

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

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

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

30 (5) A prison or jail warden of any penal institution in this State or

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SLP committee amendments adopted May 9, 1996.

1 his deputies, or an employee of the Department of Corrections
2 engaged in the interstate transportation of convicted offenders, while
3 in the performance of his duties, and when required to possess the
4 weapon by his superior officer, or a correction officer or keeper of a
5 penal institution in this State at all times while in the State of New
6 Jersey, provided he annually passes an examination approved by the
7 superintendent testing his proficiency in the handling of firearms;

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

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

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

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

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

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

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

46 (1) A law enforcement officer employed by a governmental agency

1 outside of the State of New Jersey while actually engaged in his
2 official duties, provided, however, that he has first notified the
3 superintendent or the chief law enforcement officer of the municipality
4 or the prosecutor of the county in which he is engaged; or

5 (2) A licensed dealer in firearms and his registered employees
6 during the course of their normal business while traveling to and from
7 their place of business and other places for the purpose of
8 demonstration, exhibition or delivery in connection with a sale,
9 provided, however, that the weapon is carried in the manner specified
10 in subsection g. of this section.

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

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

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

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

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

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

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

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

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

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

46 (10) A campus police officer appointed under P.L.1970, c.211

1 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry a
2 firearm, a campus police officer shall take and successfully complete
3 a firearms training course administered by the Police Training
4 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
5 shall annually qualify in the use of a revolver or similar weapon prior
6 to being permitted to carry a firearm;

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

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

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

24 (14) A Human Services police officer at all times while in the State
25 of New Jersey, as authorized by the Commissioner of Human Services;
26 or

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

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

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

44 (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of
45 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is
46 being transported by one eligible to possess it, in compliance with

1 regulations the superintendent may promulgate, between its permanent
2 location and place of purchase or repair.

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

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

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

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

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

44 (2) A person carrying a firearm or knife in the woods or fields or
45 upon the waters of this State for the purpose of hunting, target
46 practice or fishing, provided that the firearm or knife is legal and

1 appropriate for hunting or fishing purposes in this State and he has in
2 his possession a valid hunting license, or, with respect to fresh water
3 fishing, a valid fishing license;

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

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

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

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

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

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

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

1 purpose of repelling canine or other animal attacks.

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

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

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

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

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

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

43 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed to
44 prevent a police officer who retired in good standing, is not over 70
45 years of age and who was regularly employed for an aggregate of
46 1[25] 20¹ or more years as a full-time member of a county or municipal

1 police department in this State or a full-time member of the State
2 Police ¹or a full-time member of a federal law enforcement agency¹
3 from carrying a handgun under the conditions provided herein. The
4 retired officer, within six months after retirement, shall make
5 application in writing to and may receive approval to carry the
6 handgun for one year by the chief of police of the municipality or
7 county wherein he was last regularly employed as a full-time police
8 officer prior to his retirement or, in the case of a retired member of the
9 State Police ¹or federal law enforcement officer¹ , to the
10 superintendent. An application for annual renewal shall be submitted
11 in the same manner to the chief of police of that municipality or
12 county, or to the superintendent, as appropriate.

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

20 A person approved to carry a handgun under this subsection shall
21 annually qualify in the use of the handgun he is permitted to carry.
22 The annual qualification, which shall be in accordance with the
23 procedures established by the Attorney General pursuant to subsection
24 j. of this section, shall be conducted in the municipality wherein the
25 retired police officer was last regularly employed as a full-time officer
26 prior to his retirement or, in the case of a retired member of the State
27 Police ¹or federal law enforcement officer¹ , at a place designated by
28 the superintendent.

29 In addition, a retired police officer approved to carry a handgun
30 under this subsection shall provide proof of either a bond or insurance
31 sufficient to protect and absolve the municipality of any and all claims
32 arising or which may arise from his carrying that handgun. A person
33 who fails to so qualify in any year or becomes subject to any of the
34 disabilities set forth in subsection c. of N.J.S.2C:58-3 shall be
35 permanently disqualified to carry a handgun under this section.

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

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38 2. (New section) Any police officer who meets all the qualifications
39 set forth in subsection l. of N.J.S.2C:39-6, but retired prior to the
40 enactment of this amendatory act, may apply and receive approval to
41 carry a handgun. Any such application shall be in the manner as
42 provided in subsection l. of N.J.S.2C:39-6 and any such retired police
43 officer whose application is approved pursuant thereto shall be subject
44 to all the restrictions, qualifications and requirements set forth therein.

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46 3. This act shall take effect immediately, but section 2 shall expire

1 on the 60th day following enactment.

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6 Permits certain retired police officers to carry handguns under certain

7 conditions.