

SENATE, No. 977

STATE OF NEW JERSEY

INTRODUCED MARCH 18, 1996

By Senator CARDINALE

1 AN ACT concerning the issuance of permits to carry a handgun and
2 amending N.J.S.2C:58-4.

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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:58-4 is amended to read as follows:

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

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

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

33 c. Investigation and approval. Each application shall in the first
34 instance be submitted to the chief police officer of the municipality in

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

11 No application shall be approved by the chief police officer or the
12 superintendent unless the applicant demonstrates that he is not subject
13 to any of the disabilities set forth in 2C:58-3c., that he is thoroughly
14 familiar with the safe handling and use of handguns, and that he has a
15 justifiable need, such as for personal protection, to carry a handgun.
16 If the application is not approved by the chief police officer or the
17 superintendent within 60 days of filing, it shall be deemed to have been
18 approved, unless the applicant agrees to an extension of time in
19 writing. For the purposes of this subsection, the chief of police or
20 superintendent, as the case may be, shall accept as a valid
21 demonstration of a justifiable need to carry a handgun an applicant's
22 belief or presumption that his personal or family's safety and
23 well-being are at risk and, therefore, that he must be permitted to carry
24 a handgun for personal protection.

25 d. Issuance by Superior Court; fee. If the application has been
26 approved by the chief police officer or the superintendent, as the case
27 may be, the applicant shall forthwith present it to the Superior Court
28 of the county in which the applicant resides, or to the Superior Court
29 in any county where he intends to carry a handgun, in the case of a
30 nonresident or employee of an armored car company. The court shall
31 issue the permit to the applicant if, but only if, it is satisfied that the
32 applicant is a person of good character who is not subject to any of the
33 disabilities set forth in section 2C:58-3c., that he is thoroughly familiar
34 with the safe handling and use of handguns, and that he has a
35 justifiable need, such as for personal protection, to carry a handgun.
36 The court may at its discretion issue a limited-type permit which
37 would restrict the applicant as to the types of handguns he may carry
38 and where and for what purposes such handguns may be carried. At
39 the time of issuance, the applicant shall pay to the county clerk of the
40 county where the permit was issued a permit fee of \$20.00. For the
41 purposes of this subsection, the court shall accept as a valid
42 demonstration of a justifiable need to carry a handgun an applicant's
43 belief or presumption that his personal or family's safety and
44 well-being are at risk and, therefore, that he must be permitted to carry
45 a handgun for personal protection.

46 e. Appeals from denial of applications. Any person aggrieved by

1 the denial by the chief police officer or the superintendent of approval
2 for a permit to carry a handgun may request a hearing in the Superior
3 Court of the county in which he resides or in any county in which he
4 intends to carry a handgun, in the case of a nonresident, by filing a
5 written request for such a hearing within 30 days of the denial. Copies
6 of the request shall be served upon the superintendent, the county
7 prosecutor and the chief police officer of the municipality where the
8 applicant resides, if he is a resident of this State. The hearing shall be
9 held within 30 days of the filing of the request, and no formal pleading
10 or filing fee shall be required. Appeals from the determination at such
11 a hearing shall be in accordance with law and the rules governing the
12 courts of this State.

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

17 f. Revocation of permits. Any permit issued under this section
18 shall be void at such time as the holder thereof becomes subject to any
19 of the disabilities set forth in section 2C:58-3c., and the holder of such
20 a void permit shall immediately surrender the permit to the
21 superintendent who shall give notice to the licensing authority.

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

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

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30 2. This act shall take effect on the first day of the second month
31 after enactment and shall apply to all applications for permits to carry
32 a handgun made on and after that date.

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STATEMENT

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37 This bill amends N.J.S.2C:58-4 to establish personal protection as
38 a ground for securing a permit to carry a handgun.

39 Under current law, an applicant for a permit to carry a handgun
40 must establish for both the local chief of police and the Superior Court
41 that he has a "justifiable need" to carry a handgun. The statute does
42 not specify what constitutes a "justifiable need." Lacking any
43 legislative or statutory direction, the issuing authorities (both local
44 chiefs of police and the Superior Court) have tended to interpret
45 "justifiable need" in the narrowest sense.

46 The purpose of this bill is to establish personal protection as a

1 "justifiable need" for securing a permit to carry a handgun. The bill
2 also includes language to clarify that the issuing authorities are to
3 accept as a valid demonstration of that "justifiable need" an applicant's
4 belief or presumption that his personal or family's safety and
5 well-being are at risk and, therefore, that he must be permitted to carry
6 a handgun for personal protection.

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11 Establishes personal protection as a justifiable need for getting a
12 permit to carry a handgun.