

## SENATE, No. 1281

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# STATE OF NEW JERSEY

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INTRODUCED JUNE 3, 1996

By Senator CARDINALE

1   **AN ACT** concerning certain firearms, supplementing chapter 58 of  
2   Title 2C of the New Jersey Statutes, and amending N.J.S.2C:39-2,  
3   N.J.S.2C:58-3, and N.J.S.2C:58-4.

4

5   **BE IT ENACTED** by the Senate and General Assembly of the State  
6   of New Jersey:

7

8       1. (New section) This act shall be known and may be cited as the  
9   "Crime Reduction Act of 1996."

10

11       2. (New section) The Legislature finds that:

12       **WHEREAS**, The New Jersey Constitution provides that "all persons  
13   are by nature free and independent, and have certain natural  
14   and unalienable rights, among which are those of enjoying and  
15   defending life and liberty, of acquiring, possessing, and  
16   protecting property, and of pursuing and obtaining safety and  
17   happiness"; and

18       **WHEREAS**, The Superior Court of New Jersey in 1978 ruled in  
19   Wuetrich v. Delia, that no public entity can be held liable for  
20   failure to provide police protection; and

21       **WHEREAS**, In 1994, 636 New Jersey residents were victims of  
22   car-jackers and these 636 victims were unable to make the  
23   personal choice to carry firearms for self-defense; and

24       **WHEREAS**, An analysis of the nation's 30 "right-to-carry" states  
25   has demonstrated that only five to seven percent of the  
26   population actually obtain permits to carry a handgun, but 93  
27   to 95 percent of the population benefits because those  
28   individuals who exhibit socially aberrant behavior do not know  
29   if their intended victim is armed; and

30       **WHEREAS**, The "right-to-carry" is a significant deterrent to crime,  
31   as indicated by the marked reduction in crime rates experienced  
32   in those states which afford their law-abiding citizens the  
33   "right-to-carry" compared to those states which do not; and

34       **WHEREAS**, Aggravated assaults, for example, are 19.4 percent

**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       lower in "right-to-carry" states; as are robberies (38.4 percent  
2       lower), homicides (37.9 percent lower), and handgun  
3       homicides (41.1 percent lower); and

4       **WHEREAS**, In California, where the "right-to-carry" is permitted  
5       in certain counties, a comparison of the crime rates in those  
6       counties with those which do not permit their law-abiding  
7       residents to carry handguns reveals lower crime rates in the  
8       "right-to-carry" counties; and

9       **WHEREAS**, The State of Florida has experienced lower crime rates  
10      since enacting its "right-to-carry" statute, as reflected in that  
11      state's 22 percent drop in homicides and 29 percent reduction  
12      in handgun homicides; and

13      **WHEREAS**, Cognizant of the unmistakable statistical evidence  
14      affirming the significant impact the "right-to-carry" has had in  
15      dramatically lowering crime rates in those states and  
16      jurisdictions where law-abiding citizens are permitted to carry  
17      handguns; and

18      **WHEREAS**, Recognizing the natural and unalienable rights  
19      accorded the citizens of this State by the New Jersey  
20      Constitution to defend their lives, protect their property, and  
21      pursue and obtain their safety and happiness.

22

23      The Legislature, therefore, declares that it is altogether fitting and  
24      proper, and within the public interest, to revise the statutes of this  
25      State governing the issuance of permits to carry handguns by enacting  
26      the provisions of this act, the "Crime Reduction Act of 1996," so that  
27      the law-abiding citizens of this State may exercise their natural and  
28      unalienable rights to provide for the defense, protection and safety of  
29      their families, property, and themselves by carrying a handgun, if they  
30      so choose.

31

32      3. N.J.S.2C:39-2 is amended to read as follows:

33      2C:39-2. Presumptions a. Possession of firearms, weapons,  
34      destructive devices, silencers, or explosives in a vehicle. When a  
35      firearm, weapon, destructive device, silencer, or explosive described  
36      in this chapter is found in a vehicle, it is presumed to be in the  
37      possession of the occupant if there is but one. If there is more than one  
38      occupant in the vehicle, it shall be presumed to be in the possession of  
39      all, except under the following circumstances:

40      (1) When it is found upon the person of one of the occupants, it  
41      shall be presumed to be in the possession of that occupant alone;

42      (2) When the vehicle is not a stolen one and the weapon or other  
43      instrument is found out of view in a glove compartment, trunk or  
44      other enclosed customary depository, it shall be presumed to be in the  
45      possession of the occupant or occupants who own or have authority  
46      to operate the vehicle; and

1       (3) When the vehicle is a taxicab and a weapon or other instrument  
2 is found in the passenger's portion of the vehicle, it shall be presumed  
3 to be in the possession of all the passengers, if there are any, and if  
4 not, in the possession of the driver.

5       b. [ Licenses and permits. When the legality of a person's conduct  
6 under this chapter depends on his possession of a license or permit or  
7 on his having registered with or given notice to a particular person or  
8 agency, it shall be presumed that he does not possess such a license  
9 or permit or has not registered or given the required notice, until he  
10 establishes the contrary.] (Deleted by amendment, P.L. c. )

11 (cf: P.L.1979, c.179, s.1)

12

13       4. N.J.S.2C:58-3 is amended to read as follows:

14       2C:58-3. Purchase of Firearms.

15       a. Permit to purchase a handgun. No person shall sell, give,  
16 transfer, assign or otherwise dispose of, nor receive, purchase, or  
17 otherwise acquire a handgun unless the purchaser, assignee, donee,  
18 receiver or holder is licensed as a dealer under this chapter or has first  
19 secured a permit to purchase a handgun as provided by this section.

20       b. Firearms purchaser identification card. No person shall sell,  
21 give, transfer, assign or otherwise dispose of nor receive, purchase or  
22 otherwise acquire an antique cannon or a rifle or shotgun, other than  
23 an antique rifle or shotgun, unless the purchaser, assignee, donee,  
24 receiver or holder is licensed as a dealer under this chapter or  
25 possesses a valid firearms purchaser identification card, and first  
26 exhibits said card to the seller, donor, transferor or assignor, and  
27 unless the purchaser, assignee, donee, receiver or holder signs a  
28 written certification, on a form prescribed by the superintendent,  
29 which shall indicate that he presently complies with the requirements  
30 of subsection c. of this section and shall contain his name, address and  
31 firearms purchaser identification card number or dealer's registration  
32 number. The said certification shall be retained by the seller, as  
33 provided in section 2C:58-2a., or, in the case of a person who is not  
34 a dealer, it may be filed with the chief of police of the municipality in  
35 which he resides or with the superintendent.

36       c. Who may obtain. No person of good character and good repute  
37 in the community in which he lives, and who is not subject to any of  
38 the disabilities set forth in this section or other sections of this chapter,  
39 shall be denied a permit to purchase a handgun or a firearms purchaser  
40 identification card, except as hereinafter set forth. No handgun  
41 purchase permit or firearms purchaser identification card shall be  
42 issued:

43           (1) To any person who has been convicted of a crime, whether or  
44 not armed with or possessing a weapon at the time of such offense;

45           (2) To any drug dependent person as defined in section 2 of  
46 P.L.1970, c.226 (C.24:21-2), to any person who is confined for a

1 mental disorder to a hospital, mental institution or sanitarium, or to  
2 any person who is presently an habitual drunkard;

3       (3) To any person who suffers from a physical defect or disease  
4 which would make it unsafe for him to handle firearms, to any person  
5 who has ever been confined for a mental disorder, or to any alcoholic  
6 unless any of the foregoing persons produces a certificate of a medical  
7 doctor or psychiatrist licensed in New Jersey, or other satisfactory  
8 proof, that he is no longer suffering from that particular disability in  
9 such a manner that would interfere with or handicap him in the  
10 handling of firearms; to any person who knowingly falsifies any  
11 information on the application form for a handgun purchase permit or  
12 firearms purchaser identification card;

13       (4) To any person under the age of 18 years;

14       (5) [To any person where the issuance would not be in the interest  
15 of the public health, safety or welfare;] (Deleted by amendment,  
16 P.L. , c. ) or

17       (6) To any person who is subject to a court order issued pursuant  
18 to section 13 of P.L.1991, c.261 (C.2C:25-29) prohibiting the person  
19 from possessing any firearm.

20       d. Issuance. The chief of police of an organized full-time police  
21 department of the municipality where the applicant resides or the  
22 superintendent, in all other cases, shall upon application, issue to any  
23 person qualified under the provisions of subsection c. of this section  
24 a permit to purchase a handgun or a firearms purchaser identification  
25 card.

26       Any person aggrieved by the denial of a permit or identification  
27 card may request a hearing in the Superior Court of the county in  
28 which he resides if he is a resident of New Jersey or in the Superior  
29 Court of the county in which his application was filed if he is a  
30 nonresident. The request for a hearing shall be made in writing within  
31 30 days of the denial of the application for a permit or identification  
32 card. The applicant shall serve a copy of his request for a hearing  
33 upon the chief of police of the municipality in which he resides, if he  
34 is a resident of New Jersey, and upon the superintendent in all cases.  
35 The hearing shall be held and a record made thereof within 30 days of  
36 the receipt of the application for such hearing by the judge of the  
37 Superior Court. No formal pleading and no filing fee shall be required  
38 as a preliminary to such hearing. Appeals from the results of such  
39 hearing shall be in accordance with law.

40       e. Applications. Applications for permits to purchase a handgun  
41 and for firearms purchaser identification cards shall be in the form  
42 prescribed by the superintendent and shall set forth the name,  
43 residence, place of business, age, date of birth, occupation, sex and  
44 physical description, including distinguishing physical characteristics,  
45 if any, of the applicant, and shall state whether the applicant is a  
46 citizen, whether he is an alcoholic, habitual drunkard, drug dependent

1 person as defined in section 2 of P.L.1970, c.226 (C.24:21-2), whether  
2 he has ever been confined or committed to a mental institution or  
3 hospital for treatment or observation of a mental or psychiatric  
4 condition on a temporary, interim or permanent basis, giving the name  
5 and location of the institution or hospital and the dates of such  
6 confinement or commitment, whether he has been attended, treated or  
7 observed by any doctor or psychiatrist or at any hospital or mental  
8 institution on an inpatient or outpatient basis for any mental or  
9 psychiatric condition, giving the name and location of the doctor,  
10 psychiatrist, hospital or institution and the dates of such occurrence,  
11 whether he presently or ever has been a member of any organization  
12 which advocates or approves the commission of acts of force and  
13 violence to overthrow the Government of the United States or of this  
14 State, or which seeks to deny others their rights under the Constitution  
15 of either the United States or the State of New Jersey, whether he has  
16 ever been convicted of a crime or disorderly persons offense, whether  
17 the person is subject to a court order issued pursuant to section 13 of  
18 P.L.1991, c.261 (C.2C:25-29) prohibiting the person from possessing  
19 any firearm, and such other information as the superintendent shall  
20 deem necessary for the proper enforcement of this chapter. For the  
21 purpose of complying with this subsection, the applicant shall waive  
22 any statutory or other right of confidentiality relating to institutional  
23 confinement. The application shall be signed by the applicant and shall  
24 contain as references the names and addresses of two reputable  
25 citizens personally acquainted with him.

26 Application blanks shall be obtainable from the superintendent,  
27 from any other officer authorized to grant such permit or identification  
28 card, and from licensed retail dealers.

29 The chief police officer or the superintendent shall obtain the  
30 fingerprints of the applicant and shall have them compared with any  
31 and all records of fingerprints in the municipality and county in which  
32 the applicant resides and also the records of the State Bureau of  
33 Identification and the Federal Bureau of Investigation, provided that  
34 an applicant for a handgun purchase permit who possesses a valid  
35 firearms purchaser identification card, or who has previously obtained  
36 a handgun purchase permit from the same licensing authority for which  
37 he was previously fingerprinted, and who provides other reasonably  
38 satisfactory proof of his identity, need not be fingerprinted again;  
39 however, the chief police officer or the superintendent shall proceed  
40 to investigate the application to determine whether or not the applicant  
41 has become subject to any of the disabilities set forth in this chapter.

42 f. Granting of permit or identification card; fee; term; renewal;  
43 revocation. The application for the permit to purchase a handgun  
44 together with a fee of \$2.00, or the application for the firearms  
45 purchaser identification card together with a fee of \$5.00, shall be  
46 delivered or forwarded to the licensing authority who shall investigate

1 the same and, unless good cause for the denial thereof appears, shall  
2 grant the permit or the identification card, or both, if application has  
3 been made therefor, within 30 days from the date of receipt of the  
4 application for residents of this State and within 45 days for  
5 nonresident applicants. A permit to purchase a handgun shall be valid  
6 for a period of 90 days from the date of issuance and may be renewed  
7 by the issuing authority for good cause for an additional 90 days. A  
8 firearms purchaser identification card shall be valid until such time as  
9 the holder becomes subject to any of the disabilities set forth in  
10 subsection c. of this section, whereupon the card shall be void and  
11 shall be returned within five days by the holder to the superintendent,  
12 who shall then advise the licensing authority. Failure of the holder to  
13 return the firearms purchaser identification card to the superintendent  
14 within the said five days shall be an offense under section 2C:39-10a.  
15 Any firearms purchaser identification card may be revoked by the  
16 Superior Court of the county wherein the card was issued, after  
17 hearing upon notice, upon a finding that the holder thereof no longer  
18 qualifies for the issuance of such permit. The county prosecutor of  
19 any county, the chief police officer of any municipality or any citizen  
20 may apply to such court at any time for the revocation of such card.

21 There shall be no conditions or requirements added to the form or  
22 content of the application, or required by the licensing authority for  
23 the issuance of a permit or identification card, other than those that are  
24 specifically set forth in this chapter.

25 g. Disposition of fees. All fees for permits shall be paid to the  
26 State Treasury if the permit is issued by the superintendent, to the  
27 municipality if issued by the chief of police, and to the county treasurer  
28 if issued by the judge of the Superior Court.

29 h. Form of permit; quadruplicate; disposition of copies. The permit  
30 shall be in the form prescribed by the superintendent and shall be  
31 issued to the applicant in quadruplicate. Prior to the time he receives  
32 the handgun from the seller, the applicant shall deliver to the seller the  
33 permit in quadruplicate and the seller shall complete all of the  
34 information required on the form. Within five days of the date of the  
35 sale, the seller shall forward the original copy to the superintendent  
36 and the second copy to the chief of police of the municipality in which  
37 the purchaser resides, except that in a municipality having no chief of  
38 police, such copy shall be forwarded to the superintendent. The third  
39 copy shall then be returned to the purchaser with the pistol or revolver  
40 and the fourth copy shall be kept by the seller as a permanent record.

41 i. Restriction on number of firearms person may purchase. Only  
42 one handgun shall be purchased or delivered on each permit, but a  
43 person shall not be restricted as to the number of rifles or shotguns he  
44 may purchase, provided he possesses a valid firearms purchaser  
45 identification card and provided further that he signs the certification  
46 required in subsection b. of this section for each transaction.

1       j. Firearms passing to heirs or legatees. Notwithstanding any other  
2 provision of this section concerning the transfer, receipt or acquisition  
3 of a firearm, a permit to purchase or a firearms purchaser identification  
4 card shall not be required for the passing of a firearm upon the death  
5 of an owner thereof to his heir or legatee, whether the same be by  
6 testamentary bequest or by the laws of intestacy. The person who  
7 shall so receive, or acquire said firearm shall, however, be subject to  
8 all other provisions of this chapter. If the heir or legatee of such  
9 firearm does not qualify to possess or carry it, he may retain ownership  
10 of the firearm for the purpose of sale for a period not exceeding 180  
11 days, or for such further limited period as may be approved by the  
12 chief law enforcement officer of the municipality in which the heir or  
13 legatee resides or the superintendent, provided that such firearm is in  
14 the custody of the chief law enforcement officer of the municipality or  
15 the superintendent during such period.

16       k. Sawed-off shotguns. Nothing in this section shall be construed  
17 to authorize the purchase or possession of any sawed-off shotgun.

18       l. Nothing in this section and in N.J.S.2C:58-2 shall apply to the  
19 sale or purchase of a visual distress signalling device approved by the  
20 United States Coast Guard, solely for possession on a private or  
21 commercial aircraft or any boat; provided, however, that no person  
22 under the age of 18 years shall purchase nor shall any person sell to a  
23 person under the age of 18 years such a visual distress signalling  
24 device.

25 (cf: P.L.1991, c.261, s.19)

26

27       5. N.J.S.2C:58-4 is amended to read as follows:

28       2C:58-4. Permits to carry handguns   a. Scope and duration of  
29 authority. Any person who holds a valid permit to carry a handgun  
30 issued pursuant to this section shall be authorized to carry a handgun  
31 in all parts of this State, except as prohibited by section 2C:39-5e.  
32 One permit shall be sufficient for all handguns owned or possessed by  
33 the holder thereof, but the permit shall apply only to a handgun carried  
34 by the actual and legal holder of the permit.

35       All permits to carry handguns shall expire [2] 5 years from the date  
36 of issuance [or, in the case of an employee of an armored car  
37 company, upon termination of his employment by the company  
38 occurring prior thereto whichever is earlier in time,] and they may  
39 thereafter be renewed every [2] 5 years in the same manner and  
40 subject to the same conditions as in the case of original applications.

41       b. Application forms. All applications for permits to carry  
42 handguns, and all applications for renewal of such permits, shall be  
43 made on the forms prescribed by the superintendent. Each application  
44 shall set forth the full name, date of birth, sex, residence, occupation,  
45 place of business or employment, and physical description of the  
46 applicant[, and such other information as the superintendent may

1 prescribe for the determination of the applicant's eligibility for a permit  
2 and for the proper enforcement of this chapter]. To demonstrate  
3 completion of the requirement in paragraph (6) of subsection d. of this  
4 section, the applicant shall attach to the application a photocopy of a  
5 certificate of completion of the course or class; an affidavit from the  
6 instructor, school, club, organization, or group that conducted or  
7 taught the course or class attesting to the completion of the course or  
8 class by the applicant; or a copy of any document which shows  
9 completion. The applicant shall provide two frontal view photographs  
10 of himself. The photographs shall have been taken within the  
11 preceding 30 days and shall be of a size and style specified by the  
12 superintendent. The application shall be signed by the applicant[under  
13 oath, and shall be indorsed by three reputable persons who have  
14 known the applicant for at least 3 years preceding the date of  
15 application, and who shall certify thereon that the applicant is a person  
16 of good moral character and behavior] , who shall attest under penalty  
17 of perjury that all of the statements thereon are true. The  
18 superintendent shall not add any requirements to the application which  
19 are not specifically authorized in this subsection.

20 c. Investigation and approval. Each application shall in the first  
21 instance be submitted to the chief police officer of the municipality in  
22 which the applicant resides, or to the superintendent, [(1) if the  
23 applicant is an employee of an armored car company, or (2)] if there  
24 is no chief police officer in the municipality where the applicant resides  
25 [, ] or [(3)] if the applicant does not reside in this State. The chief  
26 police officer, or the superintendent, as the case may be, shall cause  
27 the fingerprints of the applicant to be taken and compared with any  
28 and all records maintained by the municipality, the county in which it  
29 is located, the State Bureau of Identification and the Federal Bureau  
30 of Identification. [He shall also determine and record a complete  
31 description of each handgun the applicant intends to carry] The permit  
32 may not specifically identify a handgun by make, model or serial  
33 number.

34 No application shall be approved by the chief police officer or the  
35 superintendent [unless the applicant demonstrates that he is not] if the  
36 applicant is subject to any of the disabilities set forth in N.J.S.2C:58-  
37 3c.,[ that he is thoroughly familiar with the safe handling and use of  
38 handguns, and that he has a justifiable need to carry a handgun] which  
39 would prohibit the applicant from obtaining a firearms purchaser  
40 identification card or a permit to purchase a handgun, or if he does not  
41 meet the additional requirements set forth in subsection d. of this  
42 section. If the application is not approved by the chief police officer  
43 or the superintendent within 60 days of filing, it shall be deemed to  
44 have been approved, unless the applicant agrees to an extension of  
45 time in writing. If the application is approved by the chief police  
46 officer or the superintendent, as the case may be, the applicant shall at

1     the time of issuance pay a fee of \$20 for the five year permit. The fee  
2     for renewal of the five year permit shall be \$20.

3         d. [Issuance by Superior Court; fee. If the application has been  
4         approved by the chief police officer or the superintendent, as the case  
5         may be, the applicant shall forthwith present it to the Superior Court  
6         of the county in which the applicant resides, or to the Superior Court  
7         in any county where he intends to carry a handgun, in the case of a  
8         nonresident or employee of an armored car company. The court shall  
9         issue the permit to the applicant if, but only if, it is satisfied that the  
10        applicant is a person of good character who is not subject to any of  
11        the disabilities set forth in section 2C:58-3c., that he is thoroughly  
12        familiar with the safe handling and use of handguns, and that he has  
13        a justifiable need to carry a handgun. The court may at its discretion  
14        issue a limited-type permit which would restrict the applicant as to the  
15        types of handguns he may carry and where and for what purposes  
16        such handguns may be carried. At the time of issuance, the applicant  
17        shall pay to the county clerk of the county where the permit was  
18        issued a permit fee of \$20.00.] Requirements for the issuance of a  
19        permit. A permit to carry a handgun shall be issued by the chief  
20        police officer of the municipality in which the applicant resides or the  
21        superintendent, as the case may be, if the applicant is not subject to  
22        any of the disabilities set forth in subsection c. of N.J.S.2C:58-3 and  
23        if the following additional requirements are satisfied:

24             (1) The applicant is a citizen of the United States.

25             (2) The applicant is 21 years of age or older.

26             (3) The applicant has not been found guilty of a crime under the  
27         provisions of N.J.S.2C:35-1 et seq. or the similar laws of any other  
28         state concerning controlled substances within a five year period  
29         immediately preceding the date on which the application is submitted.

30             (4) The applicant does not chronically and habitually use alcoholic  
31         beverages or other substances to the extent that his normal faculties  
32         are impaired. It shall be presumed that an applicant chronically and  
33         habitually uses alcoholic beverages or other substances to the extent  
34         that his normal faculties are impaired if the applicant has been placed  
35         in a rehabilitation program or committed under N.J.S.2C:35-14, has  
36         been treated as an alcoholic at a facility under P.L. 1975, c.453  
37         (C.26:2B-7 et seq.), or has had one or more convictions or refusals to  
38         submit to chemical tests under R.S.39:4-50 or section 2 of P.L.1981,  
39         c.512 (C.39:4-50.4a) or a similar law of any other state within the five  
40         year period immediately preceding the date on which the application  
41         is submitted.

42             (5) The applicant has not, in the past, suffered from a physical  
43         defect or disease which would make it unsafe for him to handle  
44         firearms, been confined for a mental disorder or been an alcoholic,  
45         unless the applicant produces a certificate of a medical doctor or  
46         psychiatrist licensed in New Jersey, or other satisfactory proof, that

1   the applicant has not suffered from the aforementioned disability for  
2   a period of five years.

3       (6) The applicant demonstrates competence with a firearm by any  
4   one of the following: completion of any National Rifle Association  
5   firearms safety or training course; completion of any firearms safety or  
6   training course or class available to the general public offered by a law  
7   enforcement organization, junior college, college, university, or  
8   firearms training school; completion of any law enforcement firearms  
9   safety or training course or class offered for security guards,  
10   investigators, special deputies, or any division or subdivision of law  
11   enforcement or security enforcement; presents evidence of equivalent  
12   experience with a firearm through military service; or is licensed or has  
13   been licensed to carry a firearm in this State pursuant to N.J.S.2C:58-  
14   4, unless such license has been revoked for cause. For the purposes  
15   of this subsection, a firearms safety or training course or class must  
16   consist of at least eight program hours. Evidence of qualification  
17   under this paragraph shall include: a photocopy of a certificate of  
18   completion of the course or class; an affidavit from the instructor,  
19   school, club, organization, or group that conducted or taught the  
20   course or class attesting to the completion of the course or class by the  
21   applicant; or a copy of any document which shows completion of the  
22   course or class.

23       e. Appeals from denial of applications. Any person aggrieved by  
24   the denial by the chief police officer or the superintendent of approval  
25   for a permit to carry a handgun may request a hearing in the Superior  
26   Court of the county in which he resides , the county in which his  
27   business is located, in the case of a nonresident who maintains a place  
28   of business in this State, or in any county in which he intends to carry  
29   a handgun, in the case of a nonresident who is required to carry a  
30   handgun as a condition of employment, by filing a written request for  
31   such a hearing within 30 days of the denial. Copies of the request shall  
32   be served upon the superintendent, the county prosecutor and the chief  
33   police officer of the municipality where the applicant resides, if he is  
34   a resident of this State. The hearing shall be held within 30 days of the  
35   filing of the request, and no formal pleading or filing fee shall be  
36   required. Appeals from the determination at such a hearing shall be in  
37   accordance with law and the rules governing the courts of this State.

38       [If the superintendent or chief police officer approves an application  
39   and the Superior Court denies the application and refuses to issue a  
40   permit, the applicant may appeal such denial in accordance with law  
41   and the rules governing the courts of this State.]

42       f. Revocation of permits. Any permit issued under this section  
43   shall be void at such time as the holder thereof becomes subject to any  
44   of the disabilities set forth in [section] N.J.S. 2C:58-3c[.] or fails to  
45   comply with the additional requirements set forth in subsection d. of  
46   this section, and the holder of such a void permit shall immediately

- 1    surrender the permit to the superintendent who shall give notice to the
- 2    licensing authority.

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

<sup>9</sup> (cf: P.L.1981, c.135, s.1)

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11       6. This act shall take effect on the first day of the second month  
12 following enactment.

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## STATEMENT

15

16 This bill revises and simplifies the procedures for securing a permit  
17 to carry a handgun in the State of New Jersey.

Under the provisions of the bill, an applicant for a permit to carry a handgun would be entitled to that permit so long as he can demonstrate competence with a firearm and is not statutorily disqualified. To demonstrate that competence, the applicant would be required to include, as part of his application for the permit, a copy indicating his successful completion of a firearms safety or training course or class offered by a law enforcement agency, an educational institution, the military, or the National Rifle Association. An applicant who holds a permit to carry is deemed competent and need not submit such evidence.

28 Among the disqualifications set forth in the bill are the statutory  
29 disabilities which currently prohibit an individual from obtaining either  
30 a permit to purchase a handgun or a firearms purchaser identification  
31 card: a crime involving controlled substances; a condition involving  
32 chronic and habitual alcoholic or drug abuse; or some other physical  
33 or mental condition or disease which would make it unsafe for the  
34 individual to obtain a permit to carry a handgun.

35 The bill also extends the term during which a permit to carry  
36 remains valid. At present a permit to carry remains valid for two  
37 years; under this bill, a permit would be valid for five years.

Finally, the bill deletes subsection b. of N.J.S.2C:39-2 which provided that with regard to any firearm permit or license, an individual was deemed to be in violation of the law "until he establishes the contrary." This approach is inconsistent with traditional American legal jurisprudence and, therefore, should be ended.

44 In its current form, the law governing the issuance of permits to  
45 carry a handgun requires an applicant to demonstrate to the Superior  
46 Court a "justifiable need" in order to obtain a such permit. The court's

1 interpretation of what constitutes a "justifiable need" makes it virtually  
2 impossible for citizens of New Jersey to obtain permits to carry.

3       The "right-to-carry" can serve as a significant deterrent to crime.  
4 An analysis of the nation's 30 "right-to-carry" states has revealed a  
5 significant reduction in crime in those states compared with the  
6 national average. For example, aggravated assaults are 19.4 percent  
7 lower in "right-to-carry" states; robbery is 38.4 percent lower;  
8 homicide is 37.9 percent lower; and handgun homicide is 41.1 percent  
9 lower. In California, where the "right-to-carry" is permitted in certain  
10 counties, a comparison of the crime rates in those counties with those  
11 which do not permit their residents to carry reveals lower crime rates  
12 in the "right-to-carry" counties. Similarly, Florida has experienced  
13 lower crime rates since enacting its "right-to-carry" statute. The  
14 homicide rate in Florida has dropped 22 percent; the handgun  
15 homicide rate is down 29 percent. Finally, even convicted robbers  
16 have indicated that if they suspected that a potential victim might be  
17 armed they would probably look for someone else to rob.

18

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22 Revises procedures for securing a permit to carry a handgun.