

[Corrected Copy]

SENATE, No. 1281

STATE OF NEW JERSEY

INTRODUCED JUNE 3, 1996

By Senator CARDINALE

1 AN ACT concerning crime, supplementing chapter 58 of Title 2C of
2 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 *Wuethrich 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 three to five percent of the
26 population actually obtain permits to carry a handgun, but 95
27 to 97 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

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 in those states which afford their law-abiding citizens the
2 "right-to-carry" compared to those states which do not; and
3 **WHEREAS**, Aggravated assaults, for example, are 19.4 percent
4 lower in "right-to-carry" states; as are robberies (38.4 percent
5 lower), homicides (37.9 percent lower), and handgun
6 homicides (41.1 percent lower); and
7 **WHEREAS**, In California, where the "right-to-carry" is permitted
8 in certain counties, a comparison of the crime rates in those
9 counties with those which do not permit their law-abiding
10 residents to carry handguns reveals lower crime rates in the
11 "right-to-carry" counties; and
12 **WHEREAS**, The State of Florida has experienced lower crime rates
13 since enacting its "right-to-carry" statute, as reflected in that
14 state's 22 percent drop in homicides and 29 percent reduction
15 in handgun homicides; and
16 **WHEREAS**, Cognizant of the unmistakable statistical evidence
17 affirming the significant impact the "right-to-carry" has had in
18 dramatically lowering crime rates in those states and
19 jurisdictions where law-abiding citizens are permitted to carry
20 handguns; and
21 **WHEREAS**, Recognizing the natural and unalienable rights
22 accorded the citizens of this State by the New Jersey
23 Constitution to defend their lives, protect their property, and
24 pursue and obtain their safety and happiness.

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

34
35 3. N.J.S.2C:39-2 is amended to read as follows:
36 2C:39-2. Presumptions a. Possession of firearms, weapons,
37 destructive devices, silencers, or explosives in a vehicle. When a
38 firearm, weapon, destructive device, silencer, or explosive described
39 in this chapter is found in a vehicle, it is presumed to be in the
40 possession of the occupant if there is but one. If there is more than one
41 occupant in the vehicle, it shall be presumed to be in the possession of
42 all, except under the following circumstances:
43 (1) When it is found upon the person of one of the occupants, it
44 shall be presumed to be in the possession of that occupant alone;
45 (2) When the vehicle is not a stolen one and the weapon or other
46 instrument is found out of view in a glove compartment, trunk or

1 other enclosed customary depository, it shall be presumed to be in the
2 possession of the occupant or occupants who own or have authority
3 to operate the vehicle; and

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

8 b. [Licenses and permits. When the legality of a person's conduct
9 under this chapter depends on his possession of a license or permit or
10 on his having registered with or given notice to a particular person or
11 agency, it shall be presumed that he does not possess such a license
12 or permit or has not registered or given the required notice, until he
13 establishes the contrary.] (Deleted by amendment, P.L. c.)
14 (cf: P.L. 1979, c.179, s.1)

15
16 4. N.J.S.2C:58-3 is amended to read as follows:

17 2C:58-3. Purchase of Firearms.

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

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

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

46 (1) To any person who has been convicted of a crime, whether or

1 not armed with or possessing a weapon at the time of such offense;

2 (2) To any drug dependent person as defined in section 2 of
3 P.L.1970, c.226 (C.24:21-2), to any person who is confined for a
4 mental disorder to a hospital, mental institution or sanitarium, or to
5 any person who is presently an habitual drunkard;

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

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

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

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

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

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

43 e. Applications. Applications for permits to purchase a handgun
44 and for firearms purchaser identification cards shall be in the form
45 prescribed by the superintendent and shall set forth the name,
46 residence, place of business, age, date of birth, occupation, sex and

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

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

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

45 f. Granting of permit or identification card; fee; term; renewal;
46 revocation. The application for the permit to purchase a handgun

1 together with a fee of \$2.00, or the application for the firearms
2 purchaser identification card together with a fee of \$5.00, shall be
3 delivered or forwarded to the licensing authority who shall investigate
4 the same and, unless good cause for the denial thereof appears, shall
5 grant the permit or the identification card, or both, if application has
6 been made therefor, within 30 days from the date of receipt of the
7 application for residents of this State and within 45 days for
8 nonresident applicants. A permit to purchase a handgun shall be valid
9 for a period of 90 days from the date of issuance and may be renewed
10 by the issuing authority for good cause for an additional 90 days. A
11 firearms purchaser identification card shall be valid until such time as
12 the holder becomes subject to any of the disabilities set forth in
13 subsection c. of this section, whereupon the card shall be void and
14 shall be returned within five days by the holder to the superintendent,
15 who shall then advise the licensing authority. Failure of the holder to
16 return the firearms purchaser identification card to the superintendent
17 within the said five days shall be an offense under section 2C:39-10a.
18 Any firearms purchaser identification card may be revoked by the
19 Superior Court of the county wherein the card was issued, after
20 hearing upon notice, upon a finding that the holder thereof no longer
21 qualifies for the issuance of such permit. The county prosecutor of
22 any county, the chief police officer of any municipality or any citizen
23 may apply to such court at any time for the revocation of such card.
24 There shall be no conditions or requirements added to the form or
25 content of the application, or required by the licensing authority for
26 the issuance of a permit or identification card, other than those that are
27 specifically set forth in this chapter.

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

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

44 i. Restriction on number of firearms person may purchase. Only
45 one handgun shall be purchased or delivered on each permit, but a
46 person shall not be restricted as to the number of rifles or shotguns he

1 may purchase, provided he possesses a valid firearms purchaser
2 identification card and provided further that he signs the certification
3 required in subsection b. of this section for each transaction.

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

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

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

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

29

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

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

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

44 b. Application forms. All applications for permits to carry
45 handguns, and all applications for renewal of such permits, shall be
46 made on the forms prescribed by the superintendent. Each application

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

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

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

1 have been approved, unless the applicant agrees to an extension of
2 time in writing. If the application is approved by the chief police
3 officer or the superintendent, as the case may be, the applicant shall at
4 the time of issuance pay a fee of \$20 for the five year permit. The fee
5 for renewal of the five year permit shall be \$20.

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

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

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

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

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

45 (5) The applicant has not, in the past, suffered from a physical
46 defect or disease which would make it unsafe for him to handle

1 firearms, been confined for a mental disorder or been an alcoholic,
2 unless the applicant produces a certificate of a medical doctor or
3 psychiatrist licensed in New Jersey, or other satisfactory proof, that
4 the applicant has not suffered from the aforementioned disability for
5 a period of five years.

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

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

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

45 f. Revocation of permits. Any permit issued under this section
46 shall be void at such time as the holder thereof becomes subject to any

1 of the disabilities set forth in [section] N.J.S. 2C:58-3c[.] or fails to
2 comply with the additional requirements set forth in subsection d. of
3 this section , and the holder of such a void permit shall immediately
4 surrender the permit to the superintendent who shall give notice to the
5 licensing authority.

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

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

13
14 6. This act shall take effect on the first day of the second month
15 following enactment.

16 17 STATEMENT

18
19 This bill revises and simplifies the procedures for securing a permit
20 to carry a handgun in the State of New Jersey.

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

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

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

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

1 In its current form, the law governing the issuance of permits to
2 carry a handgun requires an applicant to demonstrate to the Superior
3 Court a "justifiable need" in order to obtain a such permit. The court's
4 interpretation of what constitutes a "justifiable need" makes it virtually
5 impossible for citizens of New Jersey to obtain permits to carry.

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

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