

SENATE, No. 2007

STATE OF NEW JERSEY

INTRODUCED APRIL 17, 1997

By Senator LITTELL

1 AN ACT concerning the use of weapons in wildlife control and  
2 research and 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. a. Provided a person complies with the requirements of  
9 subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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

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

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

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

29 (5) A prison or jail warden of any penal institution in this State or  
30 his deputies, or an employee of the Department of Corrections  
31 engaged in the interstate transportation of convicted offenders, while  
32 in the performance of his duties, and when required to possess the  
33 weapon by his superior officer, or a correction officer or keeper of a  
34 penal institution in this State at all times while in the State of New

**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 Jersey, provided he annually passes an examination approved by the  
2 superintendent testing his proficiency in the handling of firearms;

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

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

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

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

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

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

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

41 (1) A law enforcement officer employed by a governmental agency  
42 outside of the State of New Jersey while actually engaged in his  
43 official duties, provided, however, that he has first notified the  
44 superintendent or the chief law enforcement officer of the municipality  
45 or the prosecutor of the county in which he is engaged; or

46 (2) A licensed dealer in firearms and his registered employees

1 during the course of their normal business while traveling to and from  
2 their place of business and other places for the purpose of  
3 demonstration, exhibition or delivery in connection with a sale,  
4 provided, however, that the weapon is carried in the manner specified  
5 in subsection g. of this section.

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

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

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

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

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

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

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

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

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

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

41 (10) A campus police officer appointed under P.L.1970, c.211  
42 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry a  
43 firearm, a campus police officer shall take and successfully complete  
44 a firearms training course administered by the Police Training  
45 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and  
46 shall annually qualify in the use of a revolver or similar weapon prior

1 to being permitted to carry a firearm;

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

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

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

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

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

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

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

39 (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
40 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is  
41 being transported by one eligible to possess it, in compliance with  
42 regulations the superintendent may promulgate, between its permanent  
43 location and place of purchase or repair.

44 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
45 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded  
46 or fired by one eligible to possess an antique cannon, for purposes of

1 exhibition or demonstration at an authorized target range or in the  
2 manner as has been approved in writing by the chief law enforcement  
3 officer of the municipality in which the exhibition or demonstration is  
4 held, or if not held on property under the control of a particular  
5 municipality, the superintendent, provided that performer has given at  
6 least 30 days' notice to the superintendent.

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

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

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

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

39 (2) A person carrying a firearm or knife in the woods or fields or  
40 upon the waters of this State for the purpose of hunting, target  
41 practice or fishing, provided that the firearm or knife is legal and  
42 appropriate for hunting or fishing purposes in this State and he has in  
43 his possession a valid hunting license, or, with respect to fresh water  
44 fishing, a valid fishing license;

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

46 (a) Directly to or from any place for the purpose of hunting or

1 fishing, provided the person has in his possession a valid hunting or  
2 fishing license; or

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

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

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

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

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

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

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

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

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

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

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

38 l. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to  
39 prevent duly authorized personnel of the New Jersey Division of Fish,  
40 Game and Wildlife from possessing, transporting or using any device  
41 that projects, releases or emits any substance specified as being non-  
42 injurious to wildlife by the Director of the Division of Animal Health  
43 in the Department of Agriculture, and which may immobilize wildlife  
44 and produces only temporary physical discomfort through being  
45 vaporized or otherwise dispensed in the air for the purpose of repelling  
46 bear or other animal attacks or for the aversive conditioning of

1 wildlife.

2 m. Nothing in subsections b., c., d. or e. of N.J.S.2C:39-5 shall be  
3 construed to prevent duly authorized personnel of the New Jersey  
4 Division of Fish and Game and Wildlife from possessing, transporting  
5 or using hand held pistol-like devices, rifles or shotguns that launch  
6 pyrotechnic missiles for the sole purpose of frightening, hazing or  
7 aversive conditioning of nuisance or depredating wildlife; from  
8 possessing, transporting or using rifles, pistols or similar devices for  
9 the sole purpose of chemically immobilizing wild or non-domestic  
10 animals; or from possessing, transporting or using rifles or shotguns,  
11 upon completion of a Police Training Commission approved training  
12 course, in order to dispatch injured or dangerous animals or for non-  
13 lethal use for the purpose of frightening, hazing or aversive  
14 conditioning of nuisance or depredating wildlife.

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

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17 2. This act shall take effect immediately.

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#### STATEMENT

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22 Firearms, including tranquilizer and immobilization guns and  
23 pyrotechnic devices, are presently utilized as necessary by the Wildlife  
24 Control Unit of the Division of Fish, Game and Wildlife in the  
25 Department of Environmental Protection to capture and remove bear,  
26 deer and other wildlife when public safety or the welfare of the animal  
27 is of concern. Wildlife biologists and technicians also use  
28 immobilization equipment for various research efforts, such as the  
29 current study of black bears. The immobilization equipment is used by  
30 these personnel pursuant to an established standard operating  
31 procedure. However, existing law pertaining to the possession of  
32 weapons does not specifically authorize the use of these firearms  
33 required by division personnel other than Conservation Officers for  
34 wildlife control or research purposes. This bill would provide that  
35 authorization.

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40 Authorizes Division of Fish, Game and Wildlife personnel to use  
41 certain weapons when controlling or conducting research on wildlife.