

[Third Reprint]

ASSEMBLY, No. 4769

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED OCTOBER 13, 2022

Sponsored by:

Assemblyman JOE DANIELSEN

District 17 (Middlesex and Somerset)

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblywoman ELLEN J. PARK

District 37 (Bergen)

Assemblywoman ANNETTE CHAPARRO

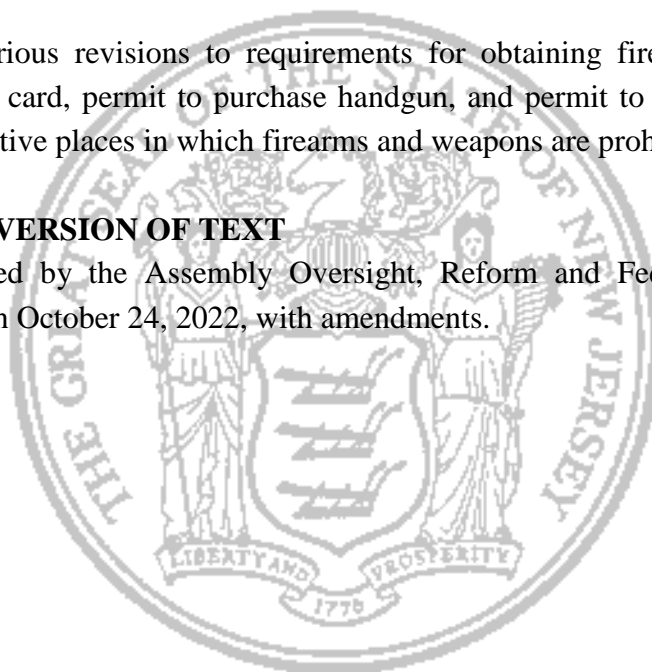
District 33 (Hudson)

SYNOPSIS

Makes various revisions to requirements for obtaining firearm purchaser identification card, permit to purchase handgun, and permit to carry handgun; codifies sensitive places in which firearms and weapons are prohibited.

CURRENT VERSION OF TEXT

As reported by the Assembly Oversight, Reform and Federal Relations Committee on October 24, 2022, with amendments.



(Sponsorship Updated As Of: 10/20/2022)

1 AN ACT concerning the sale and possession of firearms and
2 supplementing and amending various parts of the statutory law.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. (New section) The Legislature finds and declares that:

8 a. The decision of the United States Supreme Court in New
9 York State Rifle & Pistol Association v Bruen holds significant
10 implications for carrying a handgun in New Jersey and the law
11 governing the issuance of permits to carry a handgun. The Bruen
12 decision establishes that states cannot deny permits to carry a
13 handgun to otherwise-qualified citizens who fail to show that they
14 have the “proper cause” to carry a handgun. New Jersey law relies
15 on a similar standard, considering whether an applicant has a
16 “justifiable need,” in determining whether to issue a permit to carry
17 a handgun.

18 b. In accordance with the precedent established in the Bruen
19 decision, laws requiring showings of particularized need are no
20 longer legally viable to determine whether a person may carry a
21 handgun in public. The Bruen decision does make clear, however,
22 that the Legislature can enact laws to protect our communities from
23 threats to public health, safety, and welfare posed by gun violence,
24 which take into account as appropriate the Supreme Court’s Second
25 Amendment ruling while continuing to promote and enhance public
26 safety.

27 c. Statistics show that expanding handgun carrying creates
28 safety risks, helping to fuel the epidemic of gun violence. For
29 example, a study by researchers at the Johns Hopkins Bloomberg
30 School of Public Health found that the estimated average rate of
31 officer-involved shootings increased by 12.9 percent in ten states
32 that relaxed restrictions between 2014 and 2020 on civilians
33 carrying concealed firearms in public. Accordingly, evidence
34 demonstrates that more guns on the streets can translate into more
35 acts of gun violence. To mitigate the impact of having more people
36 carrying guns in public places, steps must be taken to better ensure
37 that those who exercise the right to carry are responsible, law-
38 abiding, and appropriately trained individuals who would not pose
39 undue safety risks if armed in public places.

40 d. In Bruen, the Supreme Court recognized that states may
41 prohibit individuals who are not “law-abiding, responsible citizens”
42 from carrying firearms in public, and endorsed the use of “licensing
43 requirements for carrying a handgun for self-defense.” Although the
44 Court did not provide a complete list of lawful requirements, it

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AJU committee amendments adopted October 17, 2022.

²Assembly AAP committee amendments adopted October 20, 2022.

³Assembly AOF committee amendments adopted October 24, 2022.

1 specifically cited a “background check, mental health check, training
2 in firearms handling and in laws regarding the use of force, among
3 other possible requirements” as permissible. The purpose of these
4 checks, the Court explained, is to “ensure only that those bearing
5 arms in the jurisdiction are in fact, ‘law-abiding, responsible
6 citizens.’” It is thus important to bolster and improve the process in
7 this State for ensuring that only such individuals possess and carry
8 firearms. Toward that end, this act strengthens the criteria and
9 background investigation requirements that are used to determine
10 whether an applicant is qualified to carry a firearm in New Jersey.

11 e. This act also designates places in which the carrying of a
12 weapon is prohibited. Previously, application of the justifiable need
13 standard minimized the serious dangers of misuse and accidental
14 use inherent in the carrying of handguns in a public place. Given
15 the likelihood that a much greater number of individuals will now
16 qualify to carry handguns in public, it is now both necessary and
17 appropriate to clearly identify in the law those sensitive places
18 where, due to heightened public safety concerns, carrying a weapon
19 of any kind, including a handgun, is not permissible. These
20 prohibitions are based on common sense principles and historical
21 analogues.

22 f. Notwithstanding its rejection of a particularized need
23 standard, the Bruen decision recognizes that the carrying of
24 firearms in sensitive places can “be prohibited consistent with the
25 Second Amendment.” Indeed, the Court assumed it settled that
26 “laws forbidding the carrying of firearms in sensitive places such
27 as schools and government buildings,” as well ‘as’ other places
28 such as “legislative assemblies, polling places, and courthouses,”
29 are “longstanding” and not subject to disputes regarding their
30 constitutionality. The Court added that other “sensitive place”
31 regulations may be permissible if “consistent with the Second
32 Amendment’s text and historical understanding” – that is,
33 “relevantly similar” to historical analogues.

34 g. The sensitive-place prohibitions on dangerous weapons set
35 forth in this act are rooted in history and tradition. They are
36 analogous to historical laws that can be found from the Founding
37 era to Reconstruction, which are also found in modern laws in many
38 states. History and tradition support at least the following location-
39 based restrictions on carrying firearms:

40 (1) Places that are the site of core constitutional activity, such as
41 but not limited to the exercise of First Amendment rights, or that
42 are otherwise vital to the functioning of democracy and our system
43 of government. That includes prohibitions of firearms in facilities
44 within the criminal justice system;

45 (2) Schools, universities, other educational institutions, where
46 people assemble for educational purposes and for the purposes of
47 teaching, learning, research, and the pursuit of knowledge;

1 (3) Parks and other recreation spaces, including locations where
2 children congregate;

3 (4) Locations that protect vulnerable classes of people, such as
4 the young and the frail;

5 (5) Places where intoxicating substances are sold, places where
6 large groups of individuals congregate, and places where volatile
7 conditions may pose a threat to public safety; and

8 (6) Various forms of transportation and public infrastructure,
9 whose safety, security, and stability are critical to supporting social
10 function.

11 h. The historical record also supports restriction of firearm
12 possession on private property when the owner has not given their
13 consent. Many states require a property owner's permission before
14 another may enter private dwellings and private lands with a
15 firearm or other weapons. Requiring consent from the property
16 owner before carrying weapons onto private property is also in line
17 with both the reasonable expectations and property rights of New
18 Jersey property owners.

19 i. Additionally, the fees to obtain a firearms purchaser
20 identification permit or a permit to purchase a handgun in New
21 Jersey were initially set by statute over 50 years ago at \$5 and \$2,
22 respectively, and in over a half century the law has never been
23 changed to increase these fees, notwithstanding the impact of
24 inflation, increasing costs of background checks and related
25 investigations, and the investment made over the years to
26 technologically upgrade the firearms application and registration
27 system established and maintained by the New Jersey State Police.

28 j. Accordingly, the Legislature finds it is necessary and proper
29 to revise this State's procedural and substantive laws related to
30 firearms to update the process and the standards applicable to
31 firearm purchase and possession as well as our handgun carry law,
32 and to continue to promote public safety and reduce gun violence in
33 a manner consistent with the Second Amendment principles
34 articulated by the current Supreme Court jurisprudence. These
35 revisions will focus on factors other than the need or purpose a
36 person may assert as justification to carry a handgun, such as the
37 person's background and qualifications, with the ultimate goal of
38 keeping New Jersey streets and neighborhoods safe from gun
39 violence.

40

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

42 2C:58-3. a. Permit to purchase a handgun.

43 (1) No person shall sell, give, transfer, assign or otherwise
44 dispose of, nor receive, purchase, or otherwise acquire a handgun
45 unless the purchaser, assignee, donee, receiver or holder is licensed
46 as a dealer under this chapter or has first secured a permit to
47 purchase a handgun as provided by this section.

1 (2) A person who is not a licensed retail dealer and sells, gives,
2 transfers, assigns, or otherwise disposes of, or receives, purchases
3 or otherwise acquires a handgun pursuant to this section shall
4 conduct the transaction through a licensed retail dealer.

5 The provisions of this paragraph shall not apply if the transaction
6 is:

7 (a) between members of an immediate family as defined in
8 subsection n. of this section;

9 (b) between law enforcement officers;

10 (c) between collectors of firearms or ammunition as curios or
11 relics as defined in Title 18, U.S.C. section 921 (a) (13) who have
12 in their possession a valid Collector of Curios and Relics License
13 issued by the Bureau of Alcohol, Tobacco, Firearms, and
14 Explosives; or

15 (d) a temporary transfer pursuant to section 1 of P.L.1992, c.74
16 (C.2C:58-3.1) or section 1 of P.L.1997, c.375 (C.2C:58-3.2).

17 (3) Prior to a transaction conducted pursuant to this subsection,
18 the retail dealer shall complete a National Instant Criminal
19 Background Check of the person acquiring the handgun. In
20 addition:

21 (a) the retail dealer shall submit to the Superintendent of State
22 Police, on a form approved by the superintendent, information
23 identifying and confirming the background check;

24 (b) every retail dealer shall maintain a record of transactions
25 conducted pursuant to this subsection, which shall be maintained at
26 the address displayed on the retail dealer's license for inspection by
27 a law enforcement officer during reasonable hours;

28 (c) a retail dealer may charge a fee for a transaction conducted
29 pursuant to this subsection; and

30 (d) any record produced pursuant to this subsection shall not be
31 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et
32 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

33 b. Firearms purchaser identification card.

34 (1) **[No]** A person shall not sell, give, transfer, assign or
35 otherwise dispose of nor receive, purchase or otherwise acquire an
36 antique cannon or a rifle or shotgun, other than an antique rifle or
37 shotgun, unless the purchaser, assignee, donee, receiver or holder is
38 licensed as a dealer under this chapter or possesses a valid firearms
39 purchaser identification card, and first exhibits the card to the seller,
40 donor, transferor or assignor, and unless the purchaser, assignee,
41 donee, receiver or holder signs a written certification, on a form
42 prescribed by the superintendent, which shall indicate that **[he]** the
43 person presently complies with the requirements of subsection c. of
44 this section and shall contain **[his]** the person's name, address and
45 firearms purchaser identification card number or dealer's
46 registration number. The certification shall be retained by the
47 seller, as provided in paragraph (4) of subsection a. of N.J.S.2C:58-
48 2, or, in the case of a person who is not a dealer, it may be filed

1 with the chief of police of the municipality in which **[he]** the
2 person resides or with the superintendent.

3 (2) A person who is not a licensed retail dealer and sells, gives,
4 transfers, assigns, or otherwise disposes of, or receives, purchases
5 or otherwise acquires an antique cannon or a rifle or shotgun
6 pursuant to this section shall conduct the transaction through a
7 licensed retail dealer.

8 The provisions of this paragraph shall not apply if the transaction
9 is:

10 (a) between members of an immediate family as defined in
11 subsection n. of this section;

12 (b) between law enforcement officers;

13 (c) between collectors of firearms or ammunition as curios or
14 relics as defined in Title 18, U.S.C. section 921 (a) (13) who have
15 in their possession a valid Collector of Curios and Relics License
16 issued by the Bureau of Alcohol, Tobacco, Firearms, and
17 Explosives; or

18 (d) a temporary transfer pursuant to section 1 of P.L.1992, c.74
19 (C.2C:58-3.1) and section 1 of P.L.1997, c.375 (C.2C:58-3.2).

20 (3) Prior to a transaction conducted pursuant to this subsection,
21 the retail dealer shall complete a National Instant Criminal
22 Background Check of the person acquiring an antique cannon or a
23 rifle or shotgun. In addition:

24 (a) the retail dealer shall submit to the Superintendent of State
25 Police, on a form approved by the superintendent, information
26 identifying and confirming the background check;

27 (b) every retail dealer shall maintain a record of transactions
28 conducted pursuant to this section which shall be maintained at the
29 address set forth on the retail dealer's license for inspection by a law
30 enforcement officer during reasonable hours;

31 (c) a retail dealer may charge a fee, not to exceed **'~~[\$25]~~ \$70'**,
32 for a transaction conducted pursuant to this subsection; and

33 (d) any record produced pursuant to this subsection shall not be
34 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et
35 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

36 c. Who may obtain. **[No]** Except as hereinafter provided, a
37 person [of good character and good repute] shall not be denied a
38 permit to purchase a handgun or a firearms purchaser identification
39 card, unless the person is known in the community in which [he]
40 the person lives as someone who has engaged in acts or made
41 statements suggesting the person is likely to engage in conduct,
42 other than justified self-defense, that would pose a danger to self or
43 others, [and who] or is [not] subject to any of the disabilities set
44 forth in this section or other sections of this chapter [, shall be
45 denied a permit to purchase a handgun or a firearms purchaser
46 identification card, except as hereinafter set forth]. **[No]** A

1 handgun purchase permit or firearms purchaser identification card
2 shall not be issued:

3 (1) To any person who has been convicted of any crime, or a
4 disorderly persons offense involving an act of domestic violence as
5 defined in section 3 of P.L.1991, c.261 (C.2C:25-19), whether or
6 not armed with or possessing a weapon at the time of the offense;

7 (2) To any drug-dependent person as defined in section 2 of
8 P.L.1970, c.226 (C.24:21-2), to any person who is presently
9 confined for a mental disorder **【**to a hospital, mental institution or
10 sanitarium**】** as a voluntary admission as defined in section 2 of
11 P.L.1987, c.116 (C.30:4-27.2) or involuntarily committed to
12 inpatient or outpatient treatment pursuant to section 1 of P.L.1987,
13 c.116 (C.30:4-27.1), or to any person who is presently 【an habitual
14 drunkard】 an alcoholic, as defined by section 2 of P.L.1975, c.305
15 (C.26:2B-8);

16 (3) To any person who suffers from a physical defect or disease
17 which would make it unsafe for **【him】** that person to handle
18 firearms, **【**to any person who has ever been confined for a mental
19 disorder,**】** or to any alcoholic as defined by section 2 of P.L.1975,
20 c.305 (C.26:2B-8) unless any of the foregoing persons produces a
21 certificate of a medical doctor or psychiatrist licensed in New
22 Jersey, or other satisfactory proof, that 【he】 the person is no longer
23 suffering from that particular disability in a manner that would
24 interfere with or handicap 【him】 that person in the handling of
25 firearms; to any person who knowingly falsifies any information on
26 the application form for a handgun purchase permit or firearms
27 purchaser identification card;

28 (4) To any person under the age of 18 years for a firearms
29 purchaser identification card and to any person under the age of 21
30 years for a permit to purchase a handgun;

31 (5) To any person where the issuance would not be in the interest
32 of the public health, safety or welfare because the person is found to
33 be lacking the essential character ¹【or】 of¹ temperament necessary
34 to be entrusted with a firearm;

35 (6) To any person who is subject to or has violated a temporary
36 or final restraining order issued pursuant to the "Prevention of
37 Domestic Violence Act of 1991", P.L.1991, c.261 (C.2C:25-17 et
38 seq.) prohibiting the person from possessing any firearm or a
39 temporary or final domestic violence restraining order issued in
40 another jurisdiction prohibiting the person from possessing any
41 firearm;

42 (7) To any person who as a juvenile was adjudicated delinquent
43 for an offense which, if committed by an adult, would constitute a
44 crime and the offense involved the unlawful use or possession of a
45 weapon, explosive or destructive device or is enumerated in
46 subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2);

1 (8) To any person whose firearm is seized pursuant to the
2 "Prevention of Domestic Violence Act of 1991", P.L.1991, c.261
3 (C.2C:25-17 et seq.) and whose firearm has not been returned; or

4 (9) To any person named on the consolidated Terrorist Watchlist
5 maintained by the Terrorist Screening Center administered by the
6 Federal Bureau of Investigation;

7 (10) To any person who is subject to or has violated a court order
8 prohibiting the custody, control, ownership, purchase, possession,
9 or receipt of a firearm or ammunition issued pursuant to the
10 "Extreme Risk Protective Order Act of 2018", P.L.2018, c.35
11 (C.2C:58-20 et al.);

12 (11) To any person who is subject to or has violated a court order
13 prohibiting the custody, control, ownership, purchase, possession,
14 or receipt of a firearm or ammunition issued pursuant to P.L.2021,
15 c.327 (C.2C:12-14 et al.);

16 (12) To any person who is subject to or has violated a temporary
17 or final restraining order issued pursuant to the "Sexual Assault
18 Survivor Protection Act of 2015," P.L.2015, c.147 (C.2C:14-13 et
19 al.);

20 (13) To any person who has previously been voluntarily admitted
21 or involuntarily committed to inpatient or outpatient treatment
22 pursuant to section 1 of P.L.1987, c.116 (C.30:4-27.1), unless the
23 court has expunged the person's record pursuant to P.L.1953, c.268
24 (C.30:4-80.8 et seq.);

25 (14) To any person who is subject to an outstanding arrest
26 warrant for an indictable crime in this State or for a felony, other
27 than a felony to which section 1 of P.L.2022, c.50 (C.2A:160-14.1)
28 would apply, in any other state or federal jurisdiction;

29 (15) To any person who is a fugitive from justice due to having
30 fled from any state or federal jurisdiction to avoid prosecution for a
31 crime, other than a crime to which section 1 of P.L.2022, c.50
32 (C.2A:160-14.1) would apply, or to avoid giving testimony in any
33 criminal proceeding; or

34 (16) To any person who has been convicted of ²[more than one]
35 a² crime of the fourth degree in violation of sections 4, 5, or 6 of
36 P.L. , c. (C.)(pending before the Legislature as this bill).

37 In order to obtain a permit to purchase a handgun or a firearms
38 purchaser identification card, the applicant shall demonstrate that,
39 within four years prior to the date of the application, the applicant
40 satisfactorily completed a course of instruction approved by the
41 superintendent in the lawful and safe handling and storage of
42 firearms. The applicant shall be required to demonstrate
43 completion of a course of instruction only once prior to obtaining
44 either a firearms purchaser identification card or the applicant's first
45 permit to purchase a handgun.

46 The applicant shall not be required to demonstrate completion of
47 a course of instruction in order to obtain any subsequent permit to
48 purchase a handgun, to replace an existing firearms purchaser

1 identification card, or to renew a firearms purchaser identification
2 card.

3 An applicant who is a law enforcement officer who has satisfied
4 the requirements of subsection j. of N.J.S.2C:39-6, a retired law
5 enforcement officer who has satisfied the requirements of
6 subsection l. of N.J.S.2C:39-6, or a veteran who was honorably
7 discharged as a member of the United States Armed Forces or
8 National Guard who received substantially equivalent training shall
9 not be required to complete the course of instruction required
10 pursuant to the provisions of this subsection.

11 A person who obtained a permit to purchase a handgun or a
12 firearms purchaser identification card prior to the effective date of
13 P.L.2022, c.58 shall not be required to complete a course of
14 instruction pursuant to this subsection.

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

21 A firearms purchaser identification card issued following the
22 effective date of P.L.2022, c.58 shall display a color photograph
23 and **【a thumb print】** be electronically linked to the fingerprints of
24 the card holder. A person who obtained a firearms purchaser
25 identification card prior to the effective date of P.L.2022, c.58 shall
26 not be required to obtain a firearm purchaser identification card that
27 displays a color photograph and **【a thumb print】** is electronically
28 linked to the fingerprints. The superintendent shall establish
29 guidelines as necessary to effectuate the issuance of firearms
30 purchaser identification cards that display a color photograph and
31 **【a thumb print】** which is electronically linked to the fingerprints of
32 the card holder.

33 The requirements of this subsection concerning firearms
34 purchaser identification cards issued following the effective date of
35 P.L.2022, c.58 shall remain inoperative until such time as the
36 superintendent establishes a system to produce cards that comply
37 with this requirement and, until such time, applicants issued a
38 firearms purchaser identification card shall be provided with cards
39 that do not conform to the requirements of this section, which shall
40 be afforded force and effect until such time as the system is
41 established and a compliant card is issued in accordance with this
42 subsection. An applicant issued a non-compliant firearms purchaser
43 identification card shall obtain a card, at no cost to the applicant,
44 which conforms to the requirements of this section no later than one
45 year after receiving notice that the system to produce cards that
46 comply with this requirement is operational.

47 If an application for a permit or identification card is denied, the
48 applicant shall be provided with a written statement of the reasons

1 for the denial. Any person aggrieved by the denial of a permit or
2 identification card may request a hearing in the Superior Court of
3 the county in which **[he]** the person resides if **[he]** the person is a
4 resident of New Jersey or in the Superior Court of the county in
5 which **[his]** the person's application was filed if **[he]** the person is
6 a nonresident. The request for a hearing shall be made in writing
7 within 30 days of the denial of the application for a permit or
8 identification card. The applicant shall serve a copy of **[his]** the
9 request for a hearing upon the chief of police of the municipality in
10 which he resides, if **[he]** the person is a resident of New Jersey, and
11 upon the superintendent in all cases. The hearing shall be held and
12 a record made thereof within **[30]** 60 days of the receipt of the
13 application for a hearing by the judge of the Superior Court. No
14 formal pleading and no filing fee shall be required as a preliminary
15 to a hearing. Appeals from the results of a hearing shall be in
16 accordance with law.

17 The Administrative Director of the Courts shall coordinate with
18 the superintendent in the development of an electronic filing system
19 to receive requests for hearings and serve the chief of police and
20 superintendent as required in this section.

21 e. Applications. Applications for permits to purchase a
22 handgun and for firearms purchaser identification cards shall be in
23 the form prescribed by the superintendent and shall set forth the
24 name, residence, place of business, age, date of birth, occupation,
25 **[sex]** any aliases or other names previously used by the applicant,
26 gender, and physical description, including distinguishing physical
27 characteristics, if any, of the applicant, and shall state whether the
28 applicant is a citizen, whether **[he]** the applicant is an alcoholic **[,**
29 habitual drunkard,] as defined in section 2 of P.L.1975, c. 305 (C.
30 26:2B-8) or is a drug-dependent person as defined in section 2 of
31 P.L.1970, c.226 (C.24:21-2), whether **[he]** the applicant has ever
32 been confined or committed to a mental institution or hospital for
33 treatment or observation of a mental or psychiatric condition on a
34 temporary, interim or permanent basis, giving the name and
35 location of the institution or hospital and the dates of confinement
36 or commitment, whether **[he]** the applicant has been attended,
37 treated or observed by any doctor or psychiatrist or at any hospital
38 or mental institution on an inpatient or outpatient basis for any
39 mental or psychiatric condition, giving the name and location of the
40 doctor, psychiatrist, hospital or institution and the dates of the
41 occurrence, whether **[he]** the applicant presently or ever has been a
42 member of any organization which advocates or approves the
43 commission of acts of force and violence to overthrow the
44 Government of the United States or of this State, or which seeks to
45 deny others their rights under the Constitution of either the United
46 States or the State of New Jersey, whether **[he]** the applicant has
47 ever been convicted of a crime or disorderly persons offense,

1 whether the **【person】** applicant is subject to a restraining order
2 issued pursuant to the "Prevention of Domestic Violence Act of
3 1991", P.L.1991, c.261 (C.2C:25-17 et seq.) prohibiting the
4 **【person】** applicant from possessing any firearm, whether the
5 **【person】** applicant is subject to a protective order issued pursuant
6 to the "Extreme Risk Protective Order Act of 2018", P.L.2018, c.35
7 (C.2C:58-20 et al.), whether the **【person】** applicant is subject to a
8 protective order issued pursuant to P.L.2021, c.327 (C.2C:12-14 et
9 al.) prohibiting the **【person】** applicant from possessing any firearm,
10 and other information as the superintendent shall deem necessary
11 for the proper enforcement of this chapter. For the purpose of
12 complying with this subsection, the applicant shall waive any
13 statutory or other right of confidentiality relating to institutional
14 confinement. The application shall be signed by the applicant and
15 shall contain as references the names and addresses of two
16 reputable citizens personally acquainted with **【him】** the applicant.

17 An ²**【application】** applicant² for a permit to purchase a handgun
18 shall also ²**【indicate】** certify², with respect to each handgun listed
19 on the form, whether the applicant is purchasing the handgun on the
20 applicant's own behalf or ², if not, that the purchase is being made²
21 on behalf of a third party ²**【and shall specify that the applicant is**
22 not an actual purchaser if the applicant is acquiring the handgun on
23 behalf of another person, unless otherwise permitted by law.】 to
24 whom the applicant may lawfully transfer the handgun².

25 Application blanks shall be obtainable from the superintendent,
26 from any other officer authorized to grant a permit or identification
27 card, and from licensed retail dealers, or shall be made available
28 through an online process established or made available by the
29 superintendent.

30 The chief police officer or the superintendent shall obtain the
31 fingerprints of the applicant and shall have them compared with any
32 and all records of fingerprints in the municipality and county in
33 which the applicant resides and also the records of the State Bureau
34 of Identification and the Federal Bureau of Investigation, provided
35 that an applicant for a handgun purchase permit who possesses a
36 valid firearms purchaser identification card, or who has previously
37 obtained a handgun purchase permit from the same licensing
38 authority for which **【he】** the applicant was previously fingerprinted,
39 and who provides other reasonably satisfactory proof of **【his】** the
40 applicant's identity, need not be fingerprinted again; however, the
41 chief police officer or the superintendent shall proceed to
42 investigate the application to determine whether or not the applicant
43 has become subject to any of the disabilities set forth in this
44 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】~~ \$25, or the application for the firearms
2 purchaser identification card together with a fee of ~~【\$5】~~ \$50, shall
3 be delivered or forwarded to the licensing authority who, upon
4 determining that the application is complete, shall investigate the
5 same and, unless good cause for the denial thereof appears, shall
6 grant the permit or the identification card, or both, if application has
7 been made therefor, within 30 days from the date of receipt of the
8 completed application for residents of this State and within 45 days
9 for nonresident applicants. A permit to purchase a handgun shall be
10 valid for a period of 90 days from the date of issuance and may be
11 renewed by the issuing authority for good cause for an additional 90
12 days. A firearms purchaser identification card issued or renewed
13 after the effective date of P.L.2022, c.58 shall expire during the
14 tenth calendar year following its date of issuance and on the same
15 calendar day as the person's date of birth.

16 If the date of birth of the firearms purchaser identification card
17 holder does not correspond to a calendar day of the tenth calendar
18 year, the card shall expire on the last day of the birth month of the
19 card holder.

20 A firearms purchaser identification card issued pursuant to this
21 section may be renewed upon filing of a renewal application and
22 payment of the required fee, provided that the holder is not subject
23 to any of the disabilities set forth in subsection c. of this section and
24 complies with all other applicable requirements as set forth in
25 statute and regulation. If an application for renewal of a firearm
26 purchaser identification card is denied, the applicant shall be
27 provided with a written statement of the reasons for the denial. Any
28 person aggrieved by the denial of an application for renewal of a
29 firearm purchaser identification card may request a hearing in the
30 Superior Court of the county in which the person resides if the
31 person is a resident of New Jersey or in the Superior Court of the
32 county in which the person's application was filed if the person is a
33 nonresident. The request for a hearing shall be made in writing
34 within 30 days of the denial of the application for renewal of the
35 firearm purchaser identification card. The applicant shall serve a
36 copy of the request for a hearing upon the chief of police of the
37 municipality in which the applicant resides, if the person is a
38 resident of New Jersey, and upon the superintendent in all cases.
39 The hearing shall be held and a record made thereof within 60 days
40 of the receipt of the application for a hearing by the judge of the
41 Superior Court. A formal pleading and filing fee shall not be
42 required as a preliminary to a hearing. Appeals from the results of a
43 hearing shall be in accordance with law.

44 The Administrative Director of the Courts shall coordinate with
45 the superintendent in the development of an electronic filing system
46 to receive requests for hearings and serve the chief of police and
47 superintendent as required in this section.

1 A firearms purchaser identification card issued prior to the
2 effective date of P.L.2022, c.58 shall not expire.

3 A firearms purchaser identification card shall be void if the
4 holder becomes subject to any of the disabilities set forth in
5 subsection c. of this section, whereupon the card shall be returned
6 within five days by the holder to the superintendent, who shall then
7 advise the licensing authority. Failure of the holder to return the
8 firearms purchaser identification card to the superintendent within
9 the five days shall be an offense under subsection a. of N.J.S.2C:39-
10 10. Any firearms purchaser identification card may be revoked by
11 the Superior Court of the county wherein the card was issued, after
12 hearing upon notice, upon a finding that the holder thereof no
13 longer qualifies for the issuance of the permit. The county
14 prosecutor of any county, the chief police officer of any
15 municipality or any citizen may apply to the court at any time for
16 the revocation of the card.

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

21 g. Disposition of fees. All fees for permits shall be paid to the
22 State Treasury for deposit into the Victims of Crime Compensation
23 Office account if the permit is issued by the superintendent, to the
24 municipality if issued by the chief of police, and to the county
25 treasurer if issued by the judge of the Superior Court.

26 h. Form of permit; **【quadruplicate】** establishment of a web
27 portal; disposition of **【copies】** the completed information. (1)
28 Except as otherwise provided in paragraph (2) of this subsection,
29 the permit shall be in the form prescribed by the superintendent and
30 shall be issued to the applicant **【in quadruplicate】** electronically
31 through e-mail or the web portal established or designated for this
32 purpose by the superintendent or in such form or manner as may be
33 authorized by the superintendent. Prior to the time **【he】** the
34 applicant receives the handgun from the seller, the applicant shall
35 **【deliver】** provide to the seller an acknowledgement of the permit in
36 **【quadruplicate】** the form required under the process established by
37 the superintendent, and the seller shall complete all of the
38 information required on the **【form】** web portal. **【Within five days**
39 **of the date of the sale, the seller shall forward the original copy】**
40 This information shall be forwarded to the superintendent through
41 the web portal, or in such other manner as may be authorized by the
42 superintendent, and **【the second copy】** to the chief of police of the
43 municipality in which the purchaser resides, except that in a
44 municipality having no chief of police, **【the copy】** the information
45 shall be forwarded to the superintendent. The **【third copy shall then**
46 **be returned to the】** purchaser **【with the pistol or revolver】** shall
47 retain a copy of the completed information and the **【fourth copy**

1 shall be kept by the **】** seller shall retain a copy of the completed
2 information as a permanent record.

3 A transfer of a handgun between or among immediate family
4 members, law enforcement officers, or collectors of firearms or
5 ammunition as curios or relics shall be conducted via the web portal
6 established or designated by the superintendent, which shall include
7 among other things a certification that the seller and purchaser are
8 in fact immediate family members, law enforcement officers, or
9 collectors of firearms or ammunition as curios or relics.

10 (2) The requirements of this subsection concerning the delivery
11 and form of permit and disposition of copies shall not be applicable
12 when these functions may be completed by utilizing an electronic
13 system as described in paragraph (2) of subsection b. of
14 N.J.S.2C:58-2 or section 5 of P.L.2022, c.55 (C.2C:58-3.3a).

15 i. Restriction on number of firearms person may purchase.
16 Only one handgun shall be purchased or delivered on each permit
17 and no more than one handgun shall be purchased within any 30-
18 day period, but this limitation shall not apply to:

19 (1) a federal, State, or local law enforcement officer or agency
20 purchasing handguns for use by officers in the actual performance
21 of their law enforcement duties;

22 (2) a collector of handguns as curios or relics as defined in Title
23 18, United States Code, section 921 (a) (13) who has in **【his】** the
24 collector's possession a valid Collector of Curios and Relics
25 License issued by the federal Bureau of Alcohol, Tobacco, Firearms
26 and Explosives;

27 (3) transfers of handguns among licensed retail dealers,
28 registered wholesale dealers and registered manufacturers;

29 (4) transfers of handguns from any person to a licensed retail
30 dealer or a registered wholesale dealer or registered manufacturer;

31 (5) any transaction where the person has purchased a handgun
32 from a licensed retail dealer and has returned that handgun to the
33 dealer in exchange for another handgun within 30 days of the
34 original transaction, provided the retail dealer reports the exchange
35 transaction to the superintendent; or

36 (6) any transaction where the superintendent issues an exemption
37 from the prohibition in this subsection pursuant to the provisions of
38 section 4 of P.L.2009, c.186 (C.2C:58-3.4).

39 The provisions of this subsection shall not be construed to afford
40 or authorize any other exemption from the regulatory provisions
41 governing firearms set forth in chapter 39 and chapter 58 of Title
42 2C of the New Jersey Statutes;

43 A person shall not be restricted as to the number of rifles or
44 shotguns **【he】** the person may purchase, provided **【he】** the person
45 possesses a valid firearms purchaser identification card and
46 provided further that **【he】** the person signs the certification required
47 in subsection b. of this section for each transaction.

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

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

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

27 m. The provisions of subsections a. and b. of this section and
28 paragraphs (4) and (5) of subsection a. of N.J.S.2C:58-2 shall not
29 apply to the purchase of firearms by a law enforcement agency for
30 use by law enforcement officers in the actual performance of the
31 current or former judge's duties, which purchase may be made
32 directly from a manufacturer or from a licensed dealer located in
33 this State or any other state.

34 n. For the purposes of this section, "immediate family" means a
35 spouse, domestic partner as defined in section 3 of P.L.2003, c.246
36 (C.26:8A-3), partner in a civil union couple as defined in section 2
37 of P.L.2006, c.103 (C.37:1-29), parent, stepparent, grandparent,
38 sibling, stepsibling, child, stepchild, and grandchild, as related by
39 blood or by law.

40 o. Registration of handguns owned by new residents. Any
41 person who becomes a resident of this State following the effective
42 date of P.L.2022, c.52 and who transports into this State a firearm
43 that the person owned or acquired while residing in another state
44 shall apply for a firearm purchaser identification card within 60
45 days of becoming a New Jersey resident, and shall register any
46 handgun so transported into this State within 60 days as provided in
47 this subsection.

1 A person who registers a handgun pursuant to this subsection
2 shall complete a registration statement, which shall be in a form
3 prescribed by the superintendent. The information provided in the
4 registration statement shall include, but shall not be limited to, the
5 name and address of the person and the make, model, and serial
6 number of the handgun being registered. Each registration
7 statement shall be signed by the person, and the signature shall
8 constitute a representation of the accuracy of the information
9 contained in the registration statement.

10 The registration statement shall be submitted to the law
11 enforcement agency of the municipality in which the person resides
12 or, if the municipality does not have a municipal law enforcement
13 agency, any State Police station.

14 Within 60 days prior to the effective date of P.L.2022, c.52, the
15 superintendent shall prepare the form of registration statement as
16 described in this subsection and shall provide a suitable supply of
17 statements to each organized full-time municipal police department
18 and each State Police station.

19 A person who fails to apply for a firearm purchaser identification
20 card or register a handgun as required pursuant to this subsection
21 shall be granted 30 days to comply with the provisions of this
22 subsection. If the person does not comply within 30 days, the
23 person shall be liable to a civil penalty of \$250 for a first offense
24 and shall be guilty of a disorderly persons offense for a second or
25 subsequent offense.

26 If a person is in possession of multiple firearms or handguns in
27 violation of this subsection, the person shall be guilty of one
28 offense under this subsection provided the violation is a single
29 event.

30 The civil penalty shall be collected pursuant to the "Penalty
31 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) in
32 a summary proceeding before the municipal court having
33 jurisdiction. A law enforcement officer having enforcement
34 authority in that municipality may issue a summons for a violation,
35 and may serve and execute all process with respect to the
36 enforcement of this subsection consistent with the Rules of Court.
37 (cf: P.L.2022, c.58, s.1)

38

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

40 2C:58-4. a. Scope and duration of authority. Any person who
41 holds a valid permit to carry a handgun issued pursuant to this
42 section shall be authorized to carry a handgun in a holster concealed
43 on their person in all parts of this State, except as prohibited by
44 subsection e. of N.J.S.2C:39-5 and section 7 of P.L. , c. (C.)
45 (pending before Legislature as this bill). One permit shall be
46 sufficient for all handguns owned by the holder thereof, but the
47 permit shall apply only to a handgun carried by the actual and legal
48 holder of the permit and, except as otherwise provided in subsection

1 b. of section 6 of P.L. , c. (C.) (pending before the
2 Legislature as this bill), shall not be construed to authorize a holder
3 to carry a handgun openly, provided that a brief, incidental
4 exposure of a handgun while transferring it to or from a holster or
5 due to the shifting of the person's body position or clothing shall be
6 deemed a de minimis infraction within the contemplation of
7 N.J.S.2C:2-11.

8 All permits to carry handguns shall expire two years from the
9 date of issuance or, in the case of an employee of an armored car
10 company, upon termination of **[his]** the employee's employment by
11 the company occurring prior thereto whichever is earlier in time,
12 and they may thereafter be renewed every two years in the same
13 manner and subject to the same conditions as in the case of original
14 applications.

15 b. Application forms. All applications for permits to carry
16 handguns, and all applications for renewal of permits, shall be made
17 on the forms and in the manner prescribed by the superintendent.
18 Each application shall set forth the full name, date of birth, **[sex]**
19 gender, residence, occupation, place of business or employment,
20 any aliases or other names previously used by the applicant, and
21 physical description of the applicant, and any other information the
22 superintendent may prescribe for the determination of the
23 applicant's eligibility for a permit and for the proper enforcement of
24 this chapter. The application shall be signed by the applicant under
25 oath, and shall be **[indorsed]** endorsed by **[three]** not less than four
26 reputable persons who are not related by blood or by law to the
27 applicant and have known the applicant for at least three years
28 preceding the date of application, and who shall certify thereon that
29 the applicant **[is a person of good moral character and behavior]**
30 has not engaged in any acts or made any statements that suggest the
31 applicant is likely to engage in conduct, other than lawful self-
32 defense, that would pose a danger to the applicant or others. The
33 reputable persons also shall provide relevant information supporting
34 the certification, including the nature and extent of their
35 relationship with the applicant and information concerning their
36 knowledge of the applicant's use of drugs or alcohol.

37 c. Investigation and approval. Each application shall be
38 accompanied by a \$200 application fee and shall in the first
39 instance be submitted to the chief police officer of the municipality
40 in which the applicant resides, or to the superintendent **[,]** if: (1)
41 **[if]** the applicant is an employee of an armored car company **[,**
42 **or]** ; (2) **[if]** there is no chief police officer in the municipality
43 where the applicant resides **[, or]** ; (3) **[if]** the applicant does not
44 reside in this State; or (4) the applicant is a mayor or other elected
45 member of the municipal governing body.

46 In the case of an application made to the chief police officer of a
47 municipality, \$150 of the fee shall be retained by the municipality

1 and the remaining \$50 shall be forwarded to the superintendent.
2 The fee amount retained by the municipality shall be used to defray
3 the costs of investigation, administration, and processing of the
4 permit to carry handgun applications. Application fees made to the
5 superintendent shall be deposited into the Victims of Crime
6 Compensation Office account.

7 The chief police officer, or the superintendent, as the case may
8 be, shall determine whether the application is complete and, if so,
9 shall cause the fingerprints of the applicant to be taken and
10 compared with any and all records maintained by the municipality,
11 the county in which it is located, the State Bureau of Identification
12 and the Federal Bureau of Identification ³or; for an applicant who
13 previously submitted fingerprints in order to apply for a firearm
14 purchaser identification card or a permit to purchase a handgun in
15 accordance with N.J.S.2C:58-3 or a permit to carry a handgun in
16 accordance with this section, may solicit such other identification
17 information as may be authorized by the superintendent for the
18 conduct of a comparable criminal record check³. **【He】** The chief
19 police officer or the superintendent, as the case may be, shall also
20 determine and record a complete description of each handgun the
21 applicant intends to carry. The chief police officer, or the
22 superintendent, as the case may be, shall interview the applicant and
23 the persons endorsing the application under subsection b. of this
24 section, and shall make inquiry concerning, and investigate to the
25 extent warranted, whether the applicant is likely to engage in
26 conduct that would result in harm to the applicant or others,
27 including, but not limited to, whether the applicant has any history
28 of threats or acts of violence by the applicant directed toward self or
29 others or any history of use, attempted use, or threatened use of
30 physical force by the applicant against another person, or other
31 incidents implicating the disqualifying criteria set forth in
32 subsection c. of N.J.S.2C:58-3, including but not limited to
33 determining whether the applicant has been subject to any recent
34 arrests or criminal charges for disqualifying crimes or has been
35 experiencing any mental health issues such as suicidal ideation or
36 violent impulses, and the applicant's use of drugs or alcohol.

37 The chief police officer or the superintendent may require such
38 other information from the applicant or any other person, including
39 but not limited to publicly available statements posted or published
40 online by the applicant, as the chief police officer or superintendent
41 deems reasonably necessary to conduct the review of the
42 application.

43 **【No】** An application shall not be approved by the chief police
44 officer or the superintendent unless the applicant demonstrates that
45 **【he】** the applicant is not subject to any of the disabilities set forth
46 in subsection c. of N.J.S.2C:58-3, that **【he】** the applicant is
47 thoroughly familiar with the safe handling and use of handguns,

1 including providing proof of completion of any training or
2 proficiency requirements established under the law, and that [he
3 has a justifiable need to carry a handgun] the applicant is in
4 compliance with the ²[firearm carry]² liability insurance
5 requirement of section 4 of P.L. , c. (C.)(pending before the
6 Legislature as this bill).

7 [Each application form shall be accompanied by a written
8 certification of justifiable need to carry a handgun, which shall be
9 under oath and, in the case of a private citizen, shall specify in
10 detail the urgent necessity for self-protection, as evidenced by
11 specific threats or previous attacks which demonstrate a special
12 danger to the applicant's life that cannot be avoided by means other
13 than by issuance of a permit to carry a handgun. Where possible,
14 the applicant shall corroborate the existence of any specific threats
15 or previous attacks by reference to reports of the incidents to the
16 appropriate law enforcement agencies.

17 If [Once the application is [not approved] deemed complete by
18 the chief police officer or the superintendent ,if it is not approved
19 or denied by the chief police officer or the superintendent within
20 [60] 90 days of filing, it shall be deemed to have been approved
21 [unless the applicant agrees]; provided, however, the chief police
22 officer or the superintendent may, for good cause shown and upon
23 written notification to the applicant, extend by up to an additional
24 30 days the time period for which the application may be approved
25 or denied. The written notification sent to the applicant shall
26 provide a detailed explanation of the reasons for the extension. An
27 applicant also may agree in writing to an additional extension of
28 time [in writing] past the 120 day statutory time frame.

29 d. Issuance [by Superior Court] of permit; establishment of
30 web portal; disposition of completed information; fee. If the
31 application has been approved by the chief police officer or the
32 superintendent, as the case may be, the [applicant shall forthwith
33 present it to the Superior Court of the county in which the applicant
34 resides, or to the Superior Court in any county where he intends to
35 carry a handgun, in the case of a nonresident or employee of an
36 armored car company. The court shall] chief police officer or the
37 superintendent shall issue the permit to the applicant in the form
38 prescribed by the superintendent.

39 The permit shall be issued to the applicant electronically through
40 electronic mail or through the web portal established or designated
41 for this purpose by the superintendent, or in such form or manner as
42 may be authorized by the superintendent, if, but only if, [it is
43 satisfied] the chief police officer or superintendent determines that
44 the applicant;

45 (1) is a person [of good character] who has not engaged in any
46 acts or made any statements that suggest the applicant is likely to
47 engage in conduct, other than lawful self-defense, that would pose a

1 danger to the applicant or others and who is not subject to any of
2 the disabilities set forth in subsection c. of N.J.S.2C:58-3, **that he**
3 **is**;

4 (2) is thoroughly familiar with the safe handling and use of
5 handguns **;** ; and **that he has a justifiable need to carry a**
6 **handgun in accordance with the provisions of subsection c. of this**
7 **section. The court may at its discretion issue a limited-type permit**
8 **which would restrict the applicant as to the types of handguns he**
9 **may carry and where and for what purposes the handguns may be**
10 **carried**

11 (3) has completed the training requirements established pursuant
12 to subsection g. of this section, provided that any requirement for
13 classroom instruction and target training shall not be required for a
14 renewal applicant who completed the instruction and training when
15 obtaining a permit to carry a handgun issued within the previous
16 two years; and

17 (4) is in compliance with the ²**firearm carry**² liability
18 insurance requirement of section 4 of P.L. , c. (C.)(pending before
19 the Legislature as this bill).

20 At the time of issuance, the applicant shall pay to the county
21 clerk of the county where the permit was issued a permit fee of
22 **20** 50.

23 e. Appeals from denial of applications. An applicant who is
24 denied a permit to carry a handgun shall be provided with a written
25 statement of the reasons for the denial. Any **person** applicant
26 aggrieved by the denial by the chief police officer or the
27 superintendent of approval for a permit to carry a handgun may
28 request a hearing in the Superior Court of the county in which **he**
29 the applicant resides or in any county in which **he** the applicant
30 intends to carry a handgun, in the case of a nonresident, by filing a
31 written request for a hearing within 30 days of the denial. **Copies**
32 The aggrieved applicant shall serve copies of the request **shall be**
33 served upon the superintendent, the county prosecutor, and the
34 chief police officer of the municipality where the applicant resides,
35 if **he** the applicant is a resident of this State. The hearing shall be
36 held within **30** 60 days of the filing of the request, and no formal
37 pleading or filing fee shall be required. Appeals from the
38 determination at the hearing shall be in accordance with law and the
39 rules governing the courts of this State.

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

45 The Administrative Director of the Courts shall coordinate with
46 the superintendent in the development of an electronic filing system

1 to receive requests for hearings and serve the chief of police and
2 superintendent as required in this section.

3 f. Revocation of permits. Any permit issued under this section
4 shall be void at the time the holder thereof becomes subject to any
5 of the disabilities set forth in subsection c. of N.J.S.2C:58-3, and
6 the holder of a void permit shall immediately surrender the permit
7 to the superintendent who shall give notice to the licensing
8 authority. Any permit may be revoked by the Superior Court, after
9 hearing upon notice to the holder, if the court finds that the holder
10 is no longer qualified for the issuance of a permit. The county
11 prosecutor of any county, the chief police officer of any
12 municipality, the superintendent, or any citizen may apply to the
13 court at any time for the revocation of any permit issued pursuant to
14 this section.

15 g. Training requirement. (1) The superintendent shall establish
16 training requirements in the lawful and safe handling and storage of
17 firearms, which shall consist of an online course of instruction, in-
18 person classroom instruction, and target training administered by a
19 certified firearm instructor on a firing range approved by the
20 superintendent and on the list of approved ranges published on the
21 State Police website. The training shall include, but not be limited to,
22 demonstration of a level of proficiency in the use of a handgun in
23 such manner as required by the superintendent and training,
24 developed or approved in conjunction with the Police Training
25 Commission, on justification in the use of deadly force under State
26 law.

27 (2) A person who obtained a permit pursuant to this section prior to
28 the effective date of P.L. _____, c. _____ (C. _____) (pending before the
29 Legislature as this bill) shall comply with the training requirement
30 established pursuant to this subsection within 90 days following the
31 effective date of P.L. _____, c. _____ (C. _____) (pending before the Legislature
32 as this bill)

33 h. For purposes of this section, "holster" means a device or
34 sheath that secures a handgun which, at a minimum, is equipped
35 with a retention strap, conceals and protects the main body of the
36 firearm, maintains the firearm in a consistent and accessible
37 position, and renders the trigger covered and inaccessible while the
38 handgun is fully seated in the holster.

39 (cf: P.L.2018, c.37, s.1)

40
41 4. (New section) a. Every private citizen who carries a
42 handgun in public in this State shall maintain liability insurance
43 coverage ¹【, under provisions approved by the Commissioner of
44 Banking and Insurance,】¹ insuring against loss resulting from
45 liability imposed by law for bodily injury, death, and property
46 damage sustained by any person arising out of the ownership,
47 maintenance, operation or use of a firearm carried in public wherein
48 such coverage shall be at least in:

1 (1) an amount or limit of \$100,000, exclusive of interest and
2 costs, on account of injury to, or death of, one person, in any one
3 incident;

4 (2) an amount or limit, subject to such limit for any one person
5 so injured or killed, of \$300,000, exclusive of interest and costs, on
6 account of injury to or death of, more than one person, in any one
7 incident; and

8 (3) an amount or limit of \$25,000, exclusive of interest and costs,
9 for damage to property in any one incident.

10 b. ²~~Proof of insurance as required in subsection a. of this~~
11 ~~section shall be produced and displayed by the person carrying a~~
12 ~~handgun in public upon request to any law enforcement officer or to~~
13 ~~any person who has suffered or makes a good faith claim to have~~
14 ~~suffered either injury or property damage arising out of the~~
15 ~~ownership, maintenance, operation or use of a firearm carried in~~
16 ~~public.] Proof of liability insurance, as required pursuant to~~
17 ~~subsection a. of this section, shall be produced by the person~~
18 ~~carrying a handgun in public, within a reasonable amount of time~~
19 ~~following any injury, death, or property damage alleged to have~~
20 ~~been caused by the person carrying the handgun in public. This~~
21 ~~requirement shall be satisfied by delivering a full and complete~~
22 ~~copy of the applicable policy or policies of insurance that meet the~~
23 ~~standards established by subsection a. of this section and that were~~
24 ~~in force at the time of the injury, death, or property damage.~~

25 Notwithstanding the provisions of this subsection, disclosure of
26 policy information under this section shall not constitute an
27 admission that the alleged injury, death, or property damage is
28 subject to the policy.

29 Information concerning the insurance policy shall not be
30 admissible as evidence at trial by reason of disclosure pursuant to
31 this subsection. The disclosure shall be confidential and available
32 only to the injured person, representative of the decedent, or owner
33 of damaged property and the attorney representing the injured
34 person, representative of the decedent, or owner of damaged
35 property and personnel in the office of the attorney.²

36 c. A violation of this section shall be a crime of the fourth
37 degree and shall constitute full and sufficient grounds for
38 revocation of a permit to carry a handgun issued pursuant to
39 N.J.S.2C:58-4.

40
41 5. (New section) Safe carry requirements for authorized
42 holders of a permit to carry a handgun.

43 a. The holder of a permit to carry a handgun issued pursuant to
44 N.J.S.2C:58-4 shall not:

45 (1) use or consume alcohol, a cannabis item, or a controlled
46 substance while carrying a handgun;

47 (2) be under the influence of alcohol, cannabis, or a controlled
48 substance while carrying a handgun;

(3) carry a handgun in public outside of a holster or carry a handgun in public in a holster that does not meet the requirements of subsection g. of N.J.S.2C:58-4;

(4) carry more than two firearms under the permittee's control at one time; ¹[or] ¹²or²

(5) engage in an unjustified display of a handgun ¹[.] ²[; or] ¹

(6) if carrying a handgun in public, refuse to provide the handgun to a law enforcement officer upon request for purposes of inspecting the handgun².

A violation of this subsection shall be a crime of the fourth degree, and any such violation shall constitute full and sufficient grounds for revocation of a permit to carry a handgun issued pursuant to N.J.S.2C:58-4.

b. The holder of a permit to carry a handgun issued pursuant to N.J.S.2C:58-4, if stopped or detained by a law enforcement officer while carrying a handgun in public ³or traveling with a handgun in a motor vehicle³, shall:

(1) immediately disclose to the law enforcement officer that they are carrying a handgun ³or that a handgun is stored in the vehicle³; and

(2) display the permit to carry a handgun ²[¹under] issued pursuant to² N.J.S.2C:58-4¹ ²[and proof of firearm public carry liability insurance required pursuant to section 4 of P.L. ,

c. (C.)(pending before the Legislature as this bill) upon the request of the officer².

A violation of paragraph (1) of this section shall be a crime of the fourth degree. A person who violates paragraph (2) of this subsection shall be guilty of a disorderly persons offense for a first offense and subject to a \$100 fine and a crime of the fourth degree for a second or subsequent offense.

²c. A holder of a permit to carry a handgun issued pursuant to N.J.S.2C:58-4 who is carrying a handgun in public and is detained by a law enforcement officer as part of a criminal investigation shall provide the handgun to the law enforcement officer upon request for purposes of inspecting the handgun. The provisions of this subsection shall not be construed to affect or otherwise limit the authority of a law enforcement officer to conduct a lawful search or seizure.

A violation of this subsection shall be a crime of the fourth degree.²

6. (New section) Requirements and restrictions on the lawful carrying of a handgun in public.

In addition to any criminal penalties under subsection b. of N.J.S.2C:39-5, ¹[section] sections 5 and¹ 7 of P.L. ,

c. (C.)(pending before the Legislature as this bill), or any other

1 law, it shall be a crime of the fourth degree for any person in a
2 public place:

3 a. to carry a handgun concealed on or about their person,
4 except as permitted in accordance with N.J.S.2C:39-6, without
5 possessing on their person a valid and lawfully issued permit to
6 carry under N.J.S.2C:58-4 and proof of ²**firearm public carry** the²
7 liability insurance required pursuant to section 4 of P.L. ,
8 c. (C.)(pending before the Legislature as this bill); or

9 b. to carry a handgun openly, whether or not in possession of a
10 valid and lawfully issued permit to carry under N.J.S.2C:58-4 and
11 proof of ²**handgun public carry** the² liability insurance required
12 pursuant to section 4 of P.L. , c. (C.)(pending before the
13 Legislature as this bill).

14

15 7. (New section) Places where the carrying of a weapon is
16 prohibited.

17 a. Except as otherwise provided in this section ³and in the case
18 of a brief, incidental entry onto property, which shall be deemed a
19 de minimis infraction within the contemplation of N.J.S.2C:2-11³, it
20 shall be a crime of the third degree for any person, other than ²**a**
21 **person lawfully carrying a firearm within the authorized scope of an**
22 **exemption set forth in N.J.S.2C:39-6 and only to the extent**
23 **permitted by the entity responsible for security at the place in**
24 **question** an active or retired law enforcement officer in accordance
25 with subsection f. of this section², to knowingly carry a weapon, as
26 defined in subsection r. of N.J.S.2C:39-1, in any of the following
27 places, including in or upon any part of the buildings, grounds, or
28 parking area of:

29 (1) a place owned, leased, or under the control of State, county
30 or municipal government used for the purpose of government
31 administration, including but not limited to police stations;

32 (2) a courthouse, courtroom, or any other premises used to
33 conduct judicial or court administrative proceedings or functions;

34 (3) a State, county, or municipal correctional or juvenile justice
35 facility, jail and any other place maintained by or for a
36 governmental entity for the detention of criminal suspects or
37 offenders;

38 (4) a State-contracted half-way house;

39 (5) a location being used as a polling place during the conduct of
40 an election;

41 (6) within 100 feet of a place where a public gathering,
42 demonstration or event is held for which a government permit is
43 required, during the conduct of such gathering, demonstration or
44 event;

45 (7) a school, college, university or other educational institution,
46 and on any school bus;

47 (8) a child care facility ²**or** including a² day care center;

- 1 (9) a nursery school, pre-school, zoo, or summer camp;
- 2 (10) a park, beach, recreation facility or area or playground
- 3 owned or controlled by a State, county or local government unit, or
- 4 any part of such a place, which is designated as a gun free zone by
- 5 the governing authority based on considerations of public safety;
- 6 (11) at youth sports events, as defined in N.J.S.5:17-1, during
- 7 and immediately preceding and following the conduct of the event;
- 8 (12) a publicly owned or leased library or museum;
- 9 (13) a shelter for the homeless, emergency shelter for the
- 10 homeless, basic center shelter program, shelter for homeless or
- 11 runaway youth, children's shelter, child care shelter, shelter for
- 12 victims of domestic violence, or any shelter ²licensed by or² under
- 13 the control of the Juvenile Justice Commission or the Department of
- 14 Children and Families;
- 15 (14) a community residence for persons with developmental
- 16 disabilities, head injuries, or terminal illnesses, or any other
- 17 residential setting licensed by the Department of Human Services or
- 18 Department of Health;
- 19 (15) a bar or restaurant where alcohol is served, and any other
- 20 site or facility where alcohol is sold for consumption on the
- 21 premises;
- 22 (16) a ²site or facility where cannabis is sold for consumption
- 23 on the premises **Class 5 Cannabis retailer or medical cannabis**
- 24 dispensary, including any consumption areas licensed or permitted
- 25 by the Cannabis Regulatory Commission established pursuant to
- 26 section 31 of P.L.2019, c.153 (C.24:6I-24)²;
- 27 (17) a privately or publicly owned and operated entertainment
- 28 facility within this State, including but not limited to a theater,
- 29 stadium, museum, arena, racetrack or other place where
- 30 performances, concerts, exhibits, games or contests are held;
- 31 (18) a casino and related facilities, including but not limited to
- 32 appurtenant hotels, retail premises, restaurant and bar facilities, and
- 33 entertainment and recreational venues located within the casino
- 34 property;
- 35 (19) a plant or operation that produces, converts, distributes or
- 36 stores energy or converts one form of energy to another;
- 37 (20) an airport or public transportation hub;
- 38 (21) a health care facility, including but not limited to a general
- 39 hospital, special hospital, ²**mental** psychiatric² hospital, public
- 40 health center, diagnostic center, treatment center, rehabilitation
- 41 center, extended care facility, skilled nursing home, nursing home,
- 42 intermediate care facility, tuberculosis hospital, chronic disease
- 43 hospital, maternity hospital, outpatient clinic, dispensary, assisted
- 44 living center, home health care agency ², residential treatment
- 45 facility² or residential health care facility;
- 46 (22) a facility licensed or regulated by the Department of Human
- 47 Services ², Department of Children and Families² or Department

1 of Health, other than a health care facility, that provides addiction
2 or mental health treatment or support services;

3 (23) a public location being used for making motion picture or
4 television images for theatrical, commercial or educational
5 purposes, during the time such location is being used for that
6 purpose;

7 (24) private property, including but not limited to residential,
8 commercial, industrial, agricultural, institutional or undeveloped
9 property, unless the owner has provided express consent or has
10 posted a sign indicating that it is permissible to carry on the
11 premises a concealed handgun with a valid and lawfully issued
12 ³~~license~~ permit³ under N.J.S.2C:58-4; and

13 (25) any other place in which the carrying of a handgun is
14 prohibited by statute or rule or regulation promulgated by a federal
15 or State agency or by municipal ordinance or regulation ³, provided
16 that any such municipal ordinance or regulation shall meet the
17 requirements of section 9 of P.L. , c. (C.)(pending before the
18 Legislature as this bill) ³.

19 b. (1) A person, other than a person lawfully carrying a firearm
20 within the authorized scope of an exemption set forth in subsection
21 a. ³~~or~~ ³, c. ³, or l.³ of N.J.S.2C:39-6, who is otherwise authorized
22 under the law to carry or transport a firearm shall not do so while in
23 a vehicle in New Jersey, unless the handgun is unloaded and
24 contained in a closed and securely fastened case, gunbox, or locked
25 unloaded in the trunk of the vehicle.

26 (2) A holder of a valid and lawfully issued permit to carry a
27 handgun shall not leave a handgun outside of their immediate
28 possession or control within a parked vehicle, unless the handgun is
29 unloaded and contained in a closed and securely fastened case, or
30 gunbox, and is not visible from outside of the vehicle, or is locked
31 unloaded in the trunk or storage area of the vehicle.

32 A violation of paragraph (1) or (2) of this subsection is a crime
33 of the fourth degree.

34 c. Notwithstanding the provisions of subsections a. and b. of
35 this section, the holder of a valid and lawfully issued permit to carry
36 under N.J.S.2C:58-4 who is otherwise prohibited under this section
37 from carrying a concealed firearm into the parking area of a
38 prohibited location specified in subsection a. of this section shall be
39 permitted to:

40 (1) transport a concealed handgun or ammunition within a
41 vehicle into or out of the parking area, provided that the handgun is
42 unloaded and contained in a closed and securely fastened case,
43 gunbox, or locked unloaded in the trunk or storage area of the
44 vehicle;

45 (2) store a handgun or ammunition within a locked lock box and
46 out of plain view within the vehicle in the parking area;

47 (3) transport a concealed handgun in the immediate area
48 surrounding their vehicle within a prohibited parking lot area only

1 for the limited purpose of storing or retrieving the handgun within a
2 locked lock box in the vehicle's trunk or other place inside the
3 vehicle that is out of plain view; and

4 (4) transport a concealed handgun from a vehicle parked within a
5 prohibited parking lot area to a place other than a prohibited place
6 enumerated in subsection a. of this section, provided that the person
7 immediately leaves the parking lot area and does not enter into or
8 on the grounds of the prohibited place with the handgun.

9 d. The holder of a valid and lawfully issued permit to carry
10 under N.J.S.2C:58-4 shall not be in violation of subsection a. of this
11 section while the holder is traveling along a public right-of-way that
12 touches or crosses any of the places enumerated in subsection a. of
13 this section if the concealed handgun is carried on their person in
14 accordance with the provisions of this act or is being transported in
15 a vehicle by the permit holder in accordance with all other
16 applicable provisions of law.

17 e. (1) Nothing in this act shall be construed to prohibit the
18 holder of a valid and lawfully issued permit under N.J.S.2C:58-4
19 who is lawfully authorized to provide security at a place
20 enumerated in subsection a. of this section from carrying a firearm,
21 openly or concealed, provided that the authorization is set forth in
22 writing, and only to the extent permitted by the entity responsible
23 for security at the place in question.

24 (2) Unless otherwise required or prohibited by law, the owner or
25 entity in control of any place enumerated in subsection a. of this
26 section or owner or entity responsible for providing security may
27 allow or prohibit retired law enforcement officers who are
28 authorized to possess and carry a handgun pursuant to subsection l.
29 of N.J.S.2C:39-6 or qualified retired law enforcement officers
30 within the meaning of the federal "Law Enforcement Officers
31 Safety Act of 2004," Pub.L. 108-277 to carry a concealed handgun
32 on the premises of such place.

33 f. ²The provisions of subsection a. of this section shall not apply
34 to an active or retired law enforcement officer lawfully carrying a
35 firearm within the authorized scope of an exemption established in
36 ³[N.J.S.2C:39-1] N.J.S.2C:39-6³, except that a retired law
37 enforcement officer shall be prohibited from carrying a handgun
38 with respect to the locations established pursuant to paragraphs (1),
39 (2), (3), (5), (6), (7), (8), ³and³ (21) ³[and (24)]³ of subsection a. of
40 this section unless the entity responsible for security at the location
41 has affirmatively authorized the retired law enforcement officer to
42 carry a handgun in that location.

43 g. ²Nothing in this section shall prohibit the carrying of a firearm
44 where it is otherwise expressly authorized by law.

45
46 ²[8. (New section) A person purchasing a firearm or firearm
47 ammunition shall be required to disclose in a written document under
48 penalty, on a form prescribed by the superintendent, whether the

1 firearm or ammunition to be purchased is intended to be transferred to
2 a third party, and the name and address of that third party, if known.】²

3
4 ²8. N.J.S.2C:39-6 is amended to read as follows:

5 2C:39-6. a. Provided a person complies with the requirements
6 of subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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

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

14 (3) Members of the State Police and, under conditions
15 prescribed by the superintendent, members of the Marine Law
16 Enforcement Bureau of the Division of State Police;

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

27 (5) Except as hereinafter provided, a State correctional police
28 officer, or a prison or jail warden of any penal institution in this
29 State or the warden's deputies, or an employee of the Department of
30 Corrections engaged in the interstate transportation of convicted
31 offenders, while in the performance of the employee's duties, and
32 when required to possess the weapon by a superior officer, or a
33 correctional police officer or keeper of a penal institution in this
34 State at all times while in the State of New Jersey, provided the
35 person annually passes an examination approved by the
36 superintendent testing the person's proficiency in the handling of
37 firearms;

38 (6) A civilian employee of the United States Government under
39 the supervision of the commanding officer of any post, camp,
40 station, base or other military or naval installation located in this
41 State who is required, in the performance of the employee's official
42 duties, to carry firearms, and who is authorized to carry firearms by
43 the commanding officer, while in the actual performance of the
44 employee's official duties;

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

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

4 (c) An airport security officer or a special law enforcement
5 officer appointed by the governing body of any county or
6 municipality, except as provided in subparagraph (b) of this
7 paragraph, or by the commission, board or other body having
8 control of a county park or airport or boulevard police force, while
9 engaged in the actual performance of the officer's official duties and
10 when specifically authorized by the governing body to carry
11 weapons;

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

26 (9) A juvenile correctional police officer in the employment of
27 the Juvenile Justice Commission established pursuant to section 2
28 of P.L.1995, c.284 (C.52:17B-170) subject to the regulations
29 promulgated by the commission;

30 (10) A designated employee or designated licensed agent for a
31 nuclear power plant under license of the Nuclear Regulatory
32 Commission, while in the actual performance of the person's
33 official duties, if the federal licensee certifies that the designated
34 employee or designated licensed agent is assigned to perform site
35 protection, guard, armed response or armed escort duties and is
36 appropriately trained and qualified, as prescribed by federal
37 regulation, to perform those duties. Any firearm utilized by an
38 employee or agent for a nuclear power plant pursuant to this
39 paragraph shall be returned each day at the end of the employee's or
40 agent's authorized official duties to the employee's or agent's
41 supervisor. All firearms returned each day pursuant to this
42 paragraph shall be stored in locked containers located in a secure
43 area;

44 (11) A county correctional police officer at all times while in the
45 State of New Jersey, provided the officer annually passes an
46 examination approved by the superintendent testing the officer's
47 proficiency in the handling of firearms.

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

1 (1) A law enforcement officer employed by a governmental
2 agency outside of the State of New Jersey while actually engaged in
3 the officer's official duties, provided, however, that the officer has
4 first notified the superintendent or the chief law enforcement officer
5 of the municipality or the prosecutor of the county in which the
6 officer is engaged; or

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

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

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

23 (2) A State deputy conservation police officer or a full-time
24 employee of the Division of Parks and Forestry having the power of
25 arrest and authorized to carry weapons, while in the actual
26 performance of the officer's official duties;

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

28 (4) A court attendant appointed by the sheriff of the county or
29 by the judge of any municipal court or other court of this State,
30 while in the actual performance of the attendant's official duties;

31 (5) A guard employed by any railway express company, banking
32 or building and loan or savings and loan institution of this State,
33 while in the actual performance of the guard's official duties;

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

38 (7) A municipal humane law enforcement officer, authorized
39 pursuant to subsection d. of section 25 of P.L.2017, c.331 (C.4:22-
40 14.1), or humane law enforcement officer of a county society for
41 the prevention of cruelty to animals authorized pursuant to
42 subsection c. of section 29 of P.L.2017, c.331 (C.4:22-14.5), while
43 in the actual performance of the officer's duties;

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

46 (9) A railway policeman, except a transit police officer of the
47 New Jersey Transit Police Department, at all times while in the
48 State of New Jersey, provided that the person has passed an

1 approved police academy training program consisting of at least
2 280 hours. The training program shall include, but need not be
3 limited to, the handling of firearms, community relations, and
4 juvenile relations;

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

12 (11) (Deleted by amendment, P.L.2003, c.168).

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

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

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

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

31 (16) A housing authority police officer appointed under
32 P.L.1997, c.210 (C.40A:14-146.19 et al.) at all times while in the
33 State of New Jersey; or

34 (17) A probation officer assigned to the "Probation Officer
35 Community Safety Unit" created by section 2 of P.L.2001, c.362
36 (C.2B:10A-2) while in the actual performance of the probation
37 officer's official duties. Prior to being permitted to carry a firearm,
38 a probation officer shall take and successfully complete a basic
39 course for regular police officer training administered by the Police
40 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
41 seq.), and shall annually qualify in the use of a revolver or similar
42 weapon prior to being permitted to carry a firearm.

43 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
44 antique firearms, provided that the antique firearms are unloaded or
45 are being fired for the purposes of exhibition or demonstration at an
46 authorized target range or in another manner approved in writing by
47 the chief law enforcement officer of the municipality in which the

1 exhibition or demonstration is held, or if not held on property under
2 the control of a particular municipality, the superintendent.

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

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

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

24 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
25 N.J.S.2C:39-5 do not apply to the transportation of unloaded
26 antique cannons directly to or from exhibitions or demonstrations
27 authorized under paragraph (4) of subsection d. of this section,
28 provided that the transportation is in compliance with safety
29 regulations the superintendent may promulgate. Those subsections
30 shall not apply to transportation directly to or from exhibitions or
31 demonstrations authorized under the law of another jurisdiction,
32 provided that the superintendent has been given 30 days' notice and
33 that the transportation is in compliance with safety regulations the
34 superintendent may promulgate.

35 e. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall
36 be construed to prevent a person keeping or carrying about the
37 person's place of business, residence, premises or other land owned
38 or possessed by the person, any firearm, or from carrying the same,
39 in the manner specified in subsection g. of this section, from any
40 place of purchase to the person's residence or place of business,
41 between the person's dwelling and place of business, between one
42 place of business or residence and another when moving, or
43 between the person's dwelling or place of business and place where
44 the firearms are repaired, for the purpose of repair. For the
45 purposes of this section, a place of business shall be deemed to be a
46 fixed location.

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

1 (1) A member of any rifle or pistol club organized in accordance
2 with the rules prescribed by the National Board for the Promotion
3 of Rifle Practice, in going to or from a place of target practice,
4 carrying firearms necessary for target practice, provided that the
5 club has filed a copy of its charter with the superintendent and
6 annually submits a list of its members to the superintendent and
7 provided further that the firearms are carried in the manner
8 specified in subsection g. of this section;

9 (2) A person carrying a firearm or knife in the woods or fields
10 or upon the waters of this State for the purpose of hunting, target
11 practice or fishing, provided that the firearm or knife is legal and
12 appropriate for hunting or fishing purposes in this State and the
13 person has in his possession a valid hunting license, or, with respect
14 to fresh water fishing, a valid fishing license;

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

16 (a) Directly to or from any place for the purpose of hunting or
17 fishing, provided the person has in possession a valid hunting or
18 fishing license; or

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

27 (c) In the case of a firearm, directly to or from any exhibition or
28 display of firearms which is sponsored by any law enforcement
29 agency, any rifle or pistol club, or any firearms collectors club, for
30 the purpose of displaying the firearms to the public or to the
31 members of the organization or club, provided, however, that not
32 less than 30 days prior to the exhibition or display, notice of the
33 exhibition or display shall be given to the Superintendent of the
34 State Police by the sponsoring organization or club, and the sponsor
35 has complied with any reasonable safety regulations the
36 superintendent may promulgate. Any firearms transported pursuant
37 to this section shall be transported in the manner specified in
38 subsection g. of this section;

39 (4) A person from keeping or carrying about a private or
40 commercial aircraft or any boat, or from transporting to or from the
41 aircraft or boat for the purpose of installation or repair of a visual
42 distress signaling device approved by the United States Coast
43 Guard.

44 g. Any weapon being transported under paragraph (2) of
45 subsection b., subsection e., or paragraph (1) or (3) of subsection f.
46 of this section shall be carried unloaded and contained in a closed
47 and fastened case, gunbox, securely tied package, or locked in the
48 trunk of the automobile in which it is being transported, and in the

1 course of travel shall include only deviations as are reasonably
2 necessary under the circumstances.

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

15 The device shall be used solely to repel only those canine or
16 other animal attacks when the canines or other animals are not
17 restrained in a fashion sufficient to allow the employee to properly
18 perform the employee's duties.

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

22 i. (1) Nothing in N.J.S.2C:39-5 shall be construed to prevent
23 any person who is 18 years of age or older and who has not been
24 convicted of a crime, from possession for the purpose of personal
25 self-defense of one pocket-sized device which contains and releases
26 not more than three-quarters of an ounce of chemical substance not
27 ordinarily capable of lethal use or of inflicting serious bodily injury,
28 but rather, is intended to produce temporary physical discomfort or
29 disability through being vaporized or otherwise dispensed in the air.
30 Any person in possession of any device in violation of this
31 subsection shall be deemed and adjudged to be a disorderly person,
32 and upon conviction thereof, shall be punished by a fine of not less
33 than \$100.

34 (2) Notwithstanding the provisions of paragraph (1) of this
35 subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a
36 health inspector or investigator operating pursuant to the provisions
37 of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building
38 inspector from possessing a device which is capable of releasing
39 more than three-quarters of an ounce of a chemical substance, as
40 described in paragraph (1) of this subsection, while in the actual
41 performance of the inspector's or investigator's duties, provided that
42 the device does not exceed the size of those used by law
43 enforcement.

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

1 The exempt person shall not possess or carry a firearm until the
2 person has satisfactorily completed a firearms training course and
3 shall annually qualify in the use of a revolver or similar weapon.
4 For purposes of this subsection, a "firearms training course" means
5 a course of instruction in the safe use, maintenance and storage of
6 firearms which is approved by the Police Training Commission.
7 The commission shall approve a firearms training course if the
8 requirements of the course are substantially equivalent to the
9 requirements for firearms training provided by police training
10 courses which are certified under section 6 of P.L.1961, c.56
11 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3),
12 or (6) of subsection a. of this section shall be exempt from the
13 requirements of this subsection.

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

20 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
21 to prevent a law enforcement officer who retired in good standing,
22 including a retirement because of a disability pursuant to section 6
23 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
24 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1), or any
25 substantially similar statute governing the disability retirement of
26 federal law enforcement officers, provided the officer was a
27 regularly employed, full-time law enforcement officer for an
28 aggregate of four or more years prior to the officer's disability
29 retirement and further provided that the disability which constituted
30 the basis for the officer's retirement did not involve a certification
31 that the officer was mentally incapacitated for the performance of
32 the officer's usual law enforcement duties and any other available
33 duty in the department which the officer's employer was willing to
34 assign to the officer or does not subject that retired officer to any of
35 the disabilities set forth in subsection c. of N.J.S.2C:58-3 which
36 would disqualify the retired officer from possessing or carrying a
37 firearm, who semi-annually qualifies in the use of the handgun the
38 officer is permitted to carry in accordance with the requirements
39 and procedures established by the Attorney General pursuant to
40 subsection j. of this section and pays the actual costs associated
41 with those semi-annual qualifications, who is 75 years of age or
42 younger, and who was regularly employed as a full-time member of
43 the State Police; a full-time member of an interstate police force; a
44 full-time member of a county or municipal police department in this
45 State; a full-time member of a State law enforcement agency; a full-
46 time sheriff, undersheriff or sheriff's officer of a county of this
47 State; a full-time State or county correctional police officer; a full-
48 time State correctional police officer or county correctional police

1 officer; a full-time State or county park police officer; a full-time
2 special agent of the Division of Taxation; a full-time Human
3 Services police officer; a full-time transit police officer of the New
4 Jersey Transit Police Department; a full-time campus police officer
5 exempted pursuant to paragraph (10) of subsection c. of this
6 section; a full-time State conservation police officer exempted
7 pursuant to paragraph (4) of subsection a. of this section; a full-time
8 Palisades Interstate Park officer appointed pursuant to R.S.32:14-
9 21; a full-time Burlington County Bridge police officer appointed
10 pursuant to section 1 of P.L.1960, c.168 (C.27:19-36.3); a full-time
11 housing authority police officer exempted pursuant to paragraph
12 (16) of subsection c. of this section; a full-time juvenile correctional
13 police officer exempted pursuant to paragraph (9) of subsection a.
14 of this section; a full-time parole officer exempted pursuant to
15 paragraph (13) of subsection c. of this section; a full-time railway
16 policeman exempted pursuant to paragraph (9) of subsection c. of
17 this section; a full-time county prosecutor's detective or
18 investigator; a full-time federal law enforcement officer; or is a
19 qualified retired law enforcement officer, as used in the federal
20 "Law Enforcement Officers Safety Act of 2004," Pub.L. 108-277,
21 domiciled in this State from carrying a handgun in the same manner
22 as law enforcement officers exempted under paragraph (7) of
23 subsection a. of this section, except as provided in subsection f. of
24 section 7 of P.L. , c. (C.) (pending before the Legislature
25 as this bill.). A retired law enforcement officer shall be entitled to
26 carry a handgun pursuant to this subsection under the following
27 conditions [provided herein]:

28 (1) The retired law enforcement officer shall make application
29 in writing to the Superintendent of State Police for approval to carry
30 a handgun for one year. An application for annual renewal shall be
31 submitted in the same manner.

32 (2) Upon receipt of the written application of the retired law
33 enforcement officer, the superintendent shall request a verification
34 of service from the chief law enforcement officer of the
35 organization in which the retired officer was last regularly
36 employed as a full-time law enforcement officer prior to retiring.
37 The verification of service shall include:

38 (a) The name and address of the retired officer;

39 (b) The date that the retired officer was hired and the date that
40 the officer retired;

41 (c) A list of all handguns known to be registered to that officer;

42 (d) A statement that, to the reasonable knowledge of the chief
43 law enforcement officer, the retired officer is not subject to any of
44 the restrictions set forth in subsection c. of N.J.S.2C:58-3; and

45 (e) A statement that the officer retired in good standing.

46 (3) If the superintendent approves a retired officer's application
47 or reapplication to carry a handgun pursuant to the provisions of
48 this subsection, the superintendent shall notify in writing the chief

1 law enforcement officer of the municipality wherein that retired
2 officer resides. In the event the retired officer resides in a
3 municipality which has no chief law enforcement officer or law
4 enforcement agency, the superintendent shall maintain a record of
5 the approval.

6 (4) The superintendent shall issue to an approved retired officer
7 an identification card permitting the retired officer to carry a
8 handgun pursuant to this subsection. This identification card shall
9 be valid for one year from the date of issuance and shall be valid
10 throughout the State. The identification card shall not be
11 transferable to any other person. The identification card shall be
12 carried at all times on the person of the retired officer while the
13 retired officer is carrying a handgun. The retired officer shall
14 produce the identification card for review on the demand of any law
15 enforcement officer or authority.

16 (5) Any person aggrieved by the denial of the superintendent of
17 approval for a permit to carry a handgun pursuant to this subsection
18 may request a hearing in the Superior Court of New Jersey in the
19 county in which the person resides by filing a written request for a
20 hearing within 30 days of the denial. Copies of the request shall be
21 served upon the superintendent and the county prosecutor. The
22 hearing shall be held within 30 days of the filing of the request, and
23 no formal pleading or filing fee shall be required. Appeals from the
24 determination of the hearing shall be in accordance with law and the
25 rules governing the courts of this State.

26 (6) A judge of the Superior Court may revoke a retired officer's
27 privilege to carry a handgun pursuant to this subsection for good
28 cause shown on the application of any interested person. A person
29 who becomes subject to any of the disabilities set forth in
30 subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the
31 superintendent, the person's identification card issued under
32 paragraph (4) of this subsection to the chief law enforcement officer
33 of the municipality wherein the person resides or the
34 superintendent, and shall be permanently disqualified to carry a
35 handgun under this subsection.

36 (7) The superintendent may charge a reasonable application fee
37 to retired officers to offset any costs associated with administering
38 the application process set forth in this subsection.

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

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

17 (cf: P.L.2019, c.407, s.2)

18
19 ³9. (New section) The governing body of a municipality may
20 by ordinance or regulation prohibit carrying a weapon as defined in
21 subsection r. of N.J.S.2C:39-1 in a place within that municipality
22 which is not enumerated in subsection a. of section 7 of P.L. ,
23 c. (C.) (pending before the Legislature as this bill) if there is a
24 public safety nexus justifying the prohibition in such place and the
25 prohibition is consistent with the nation's historical tradition of
26 firearm regulation.³

27
28 ³[9.] ³10. (New section) Notwithstanding any provision of the
29 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.)
30 to the contrary, the Superintendent of State Police may adopt
31 immediately upon filing with the Office of Administrative Law such
32 regulations as the Superintendent deems necessary to implement the
33 provisions of this act, which shall be effective for a period not to
34 exceed 18 months, and may thereafter be amended, adopted, or
35 readopted by the Superintendent in accordance with the requirements
36 of the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1
37 et seq.).

38
39 ³[10.] ³11. Sections 2 and 7 of this act shall take effect
40 immediately ²1. section 8 of this act shall take effect on the first day
41 of second month next following the date of enactment, ²2 and the
42 remainder of this act shall take effect on the first day of the seventh
43 month next following the date of enactment, but the Attorney
44 General, Superintendent of State Police, and Commissioner of
45 Banking and Insurance may take such anticipatory action as is
46 necessary for the implementation of this act.