

**SENATE, No. 1801**

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**STATE OF NEW JERSEY**

**220th LEGISLATURE**

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INTRODUCED FEBRUARY 28, 2022

**Sponsored by:**

**Senator EDWARD DURR**

**District 3 (Cumberland, Gloucester and Salem)**

**SYNOPSIS**

Eliminates justifiable need requirement to obtain permit to carry handgun;  
requires comprehensive training to obtain handgun carry permit.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the right to carry a firearm and amending  
2 N.J.S.2C:58-4.

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

6  
7 1. N.J.S.2C:58-4 is amended to read as follows:

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

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

22 (1) four hours of firearm classroom instruction regarding topics  
23 addressed in the classroom instruction required to initially obtain a  
24 permit to carry a handgun pursuant to subsection c. of this section;  
25 and

26 (2) two hours of target training administered by a certified  
27 firearms instructor on a firing range approved by the governing  
28 body of the municipality in which the range is located or the  
29 National Rifle Association.

30 b. Application forms. All applications for permits to carry  
31 handguns, and all applications for renewal of permits, shall be made  
32 on the forms prescribed by the superintendent. Each application shall  
33 set forth the full name, date of birth, sex, residence, occupation, place  
34 of business or employment, and physical description of the applicant,  
35 and any other information the superintendent may prescribe for the  
36 determination of the applicant's eligibility for a permit and for the  
37 proper enforcement of this chapter. The application shall be signed by  
38 the applicant under oath, and shall be indorsed by three reputable  
39 persons who have known the applicant for at least three years  
40 preceding the date of application, and who shall certify thereon that the  
41 applicant is a person of good moral character and behavior.

42 Investigation and approval. Each application shall in the first  
43 instance be submitted to the chief police officer of the municipality in  
44 which the applicant resides, or to the superintendent, (1) if the  
45 applicant is an employee of an armored car company, or (2) if there is

**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.**

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

9 **【No】** An application shall not be approved by the chief police  
10 officer or the superintendent unless the applicant demonstrates that  
11 **【he】** the applicant is not subject to any of the disabilities set forth in  
12 subsection c. of N.J.S.2C:58-3 **【, that he】** and is thoroughly familiar  
13 with the safe handling and use of handguns **【, and that he has a**  
14 justifiable need to carry a handgun】.

15 **【Each】** An initial application form shall be accompanied by a  
16 written certification **【of justifiable need to carry a handgun, which**  
17 shall be under oath and, in the case of a private citizen, shall specify in  
18 detail the urgent necessity for self-protection, as evidenced by specific  
19 threats or previous attacks which demonstrate a special danger to the  
20 applicant's life that cannot be avoided by means other than by issuance  
21 of a permit to carry a handgun. Where possible, the applicant shall  
22 corroborate the existence of any specific threats or previous attacks by  
23 reference to reports of the incidents to the appropriate law enforcement  
24 agencies】 demonstrating that the applicant has successfully  
25 completed 18 hours of training in the use, handling, and  
26 maintenance of handguns conducted by an instructor certified by  
27 the Police Training Commission or the National Rifle Association.  
28 The training shall include two hours of target training administered  
29 by a certified firearms instructor on a firing range approved by the  
30 governing body of the municipality in which the range is located or  
31 the National Rifle Association. The training also shall include 16  
32 hours of classroom instruction on the following topics:

33 (1) basic firearm safety;

34 (2) firearm terminology and nomenclature;

35 (3) basic principles of marksmanship;

36 (4) care, cleaning, maintenance, loading, unloading, and storage  
37 of handguns;

38 (5) situational awareness, conflict management, and use of  
39 deadly force,

40 (6) selection of handguns and ammunition for defensive  
41 purposes; and

42 (7) applicable State and federal firearm laws and State law  
43 pertaining to self-defense.

44 If the application is not approved by the chief police officer or the  
45 superintendent within 60 days of filing, it shall be deemed to have  
46 been approved, unless the applicant agrees to an extension of time in  
47 writing.

1 d. Issuance by Superior Court; fee. If the application has been  
2 approved by the chief police officer or the superintendent, as the case  
3 may be, the applicant shall forthwith present it to the Superior Court of  
4 the county in which the applicant resides, or to the Superior Court in  
5 any county where he intends to carry a handgun, in the case of a  
6 nonresident or employee of an armored car company. The court shall  
7 issue the permit to the applicant if, but only if, it is satisfied that the  
8 applicant is a person of good character who is not subject to any of the  
9 disabilities set forth in subsection c. of N.J.S.2C:58-3 **【, that he】** and  
10 is thoroughly familiar with the safe handling and use of handguns **【,**  
11 and that he has a justifiable need to carry a handgun in accordance  
12 with **】** as demonstrated by completion of the firearm training  
13 requirement established pursuant to the provisions of subsection b. or  
14 c. of this section , as applicable. The court may at its discretion issue a  
15 limited-type permit which would restrict the applicant as to the types  
16 of handguns he may carry and where and for what purposes the  
17 handguns may be carried. At the time of issuance, the applicant shall  
18 pay to the county clerk of the county where the permit was issued a  
19 permit fee of **【\$20】** \$100.

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

33 If the superintendent or chief police officer approves an application  
34 and the Superior Court denies the application and refuses to issue a  
35 permit, the applicant may appeal the denial in accordance with law and  
36 the rules governing the courts of this State.

37 f. Revocation of permits. Any permit issued under this section  
38 shall be void at the time the holder thereof becomes subject to any of  
39 the disabilities set forth in subsection c. of N.J.S.2C:58-3, and the  
40 holder of a void permit shall immediately surrender the permit to the  
41 superintendent who shall give notice to the licensing authority.

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

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

1       2. This act shall take effect immediately.

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STATEMENT

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6       This bill requires an applicant for a permit to carry a handgun to  
7 complete 18 hours of comprehensive training in the use, handling,  
8 and maintenance of handguns. Under the bill, this training would  
9 replace the justifiable need requirement established by current law.

10       Under State law, in order to lawfully carry a handgun in public, it is  
11 necessary for a private citizen to obtain a permit to carry a handgun.  
12 Applicants for a permit to carry a handgun need the approval of the  
13 chief of police in the municipality where they reside and the approval  
14 of a Superior Court judge in the county where they reside. Approval is  
15 contingent upon a person submitting, along with the application, a  
16 written certification establishing justifiable need. Justifiable need is  
17 defined as the urgent necessity for self-protection, as evidenced by  
18 specific threats or previous attacks which demonstrate a special danger  
19 to the applicant's life that cannot be avoided by means other than by  
20 issuance of a permit to carry a handgun.

21       This bill replaces the justifiable need standard with a requirement  
22 that an applicant for a permit to carry a firearm complete a  
23 comprehensive training requirement that includes 16 hours of  
24 classroom instruction and two hours of target training on a firing range  
25 approved by the governing body of the municipality in which the  
26 range is located or the National Rifle Association. The bill requires  
27 the classroom instruction to be provided by an instructor certified  
28 by the Police Training Commission or the National Rifle  
29 Association. The classroom instruction would pertain to the use,  
30 handling, and maintenance of handguns and address: basic firearm  
31 safety; firearm terminology and nomenclature; basic principles of  
32 marksmanship; care, cleaning, maintenance, loading, unloading,  
33 and storage of handguns; situational awareness, conflict  
34 management, and use of deadly force; selection of handguns and  
35 ammunition for defensive purposes; and applicable State and  
36 federal firearm laws and State law pertaining to self-defense.

37       The bill preserves the provisions of current law that require a permit  
38 applicant to submit to a criminal history background and mental health  
39 records check and be 21 years of age or older to carry a handgun. The  
40 fee to obtain the permit to carry a handgun would be increased from  
41 \$20 to \$100.