

**SENATE, No. 2680**

**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

INTRODUCED MAY 19, 2022

**Sponsored by:**

**Senator EDWARD DURR**

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

**SYNOPSIS**

Establishes permit to transport handgun in motor vehicle anywhere in this State; creates training program.

**CURRENT VERSION OF TEXT**

As introduced.



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2

1 **AN ACT** concerning the right to carry a firearm, supplementing Title  
2 2C of the New Jersey Statutes, and amending N.J.S.2C:39-5 and  
3 N.J.S.2C:39-6.

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

7  
8 1. (New section) a. A person who holds a valid motor vehicle  
9 handgun permit issued pursuant to this section shall be entitled to  
10 transport a handgun in a motor vehicle for the purpose of self-  
11 protection while traveling in all parts of this State. A handgun  
12 transported by a permit holder shall be carried and contained while  
13 loaded or unloaded in a closed and fastened case, gunbox, securely  
14 tied package, or an enclosed area of the motor vehicle in which it is  
15 being transported. The permit shall apply to any handgun lawfully  
16 owned by the permit holder.

17 A motor vehicle handgun permit shall expire two years from the  
18 date of issuance and may thereafter be renewed in the same manner as  
19 the initial application.

20 b. An application for a motor vehicle handgun permit shall be  
21 made on the forms prescribed by the superintendent. Each application  
22 shall set forth the full name, date of birth, sex, residence, occupation,  
23 place of business or employment, and physical description of the  
24 applicant, and any other information the superintendent may prescribe  
25 for the determination of the applicant's eligibility for a permit and for  
26 the proper enforcement of this chapter. The application shall be  
27 signed by the applicant under oath, and shall be indorsed by three  
28 reputable persons who have known the applicant for at least three years  
29 preceding the date of application, and who shall certify thereon that the  
30 applicant is a person of good moral character and behavior.

31 An application shall be submitted to the chief law enforcement  
32 officer of the municipality in which the applicant resides. If there is no  
33 chief law enforcement officer in the municipality in which the applicant  
34 resides then the application shall be submitted to the superintendent.

35 The chief law enforcement officer, or the superintendent, as the case  
36 may be, shall take and compare the applicant's fingerprints with any and  
37 all records maintained by the municipality, the county in which it is  
38 located, the State Bureau of Identification, and the Federal Bureau of  
39 Identification. The chief law enforcement officer also shall determine  
40 and record a complete description of each handgun the applicant intends  
41 to transport in a motor vehicle.

42 c. An initial application form shall be accompanied by a written  
43 certification demonstrating that the applicant has successfully  
44 completed two hours of training in the use, handling, and  
45 maintenance of handguns conducted by an instructor certified by the

**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.**

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1 Police Training Commission or the National Rifle Association. The  
2 training shall include one hour of target training administered by a  
3 certified firearms instructor on a firing range approved by the  
4 governing body of the municipality in which the range is located or  
5 the National Rifle Association. The training also shall include one  
6 hour of classroom instruction on the following topics:

- 7 (1) basic firearm safety;
- 8 (2) firearm terminology and nomenclature;
- 9 (3) basic principles of marksmanship;
- 10 (4) care, cleaning, maintenance, loading, unloading, and storage  
11 of handguns;
- 12 (5) situational awareness, conflict management, and use of  
13 deadly force;
- 14 (6) selection of handguns and ammunition for defensive  
15 purposes; and
- 16 (7) applicable State and federal firearm laws and State law  
17 pertaining to self-defense.

18 d. An application shall not be approved by the chief law  
19 enforcement officer or the superintendent unless the applicant  
20 demonstrates that the applicant is not subject to any of the disabilities  
21 set forth in subsection c. of N.J.S.2C:58-3.

22 e. If the application has been approved by the chief law  
23 enforcement officer or the superintendent, as the case may be, the  
24 applicant shall present it to the Superior Court of the county in which  
25 the applicant resides. The court shall issue the permit to the applicant if  
26 it is satisfied that the applicant is a person of good character who is not  
27 subject to any of the disabilities set forth in subsection c. of N.J.S.2C:58-  
28 3 and is thoroughly familiar with the safe handling and use of handguns  
29 as demonstrated by completion of the firearm training requirement  
30 established pursuant to the provisions of subsection c. of this  
31 section. At the time of issuance, the applicant shall pay to the county  
32 clerk of the county where the permit was issued a permit fee of \$50.

33 f. If the chief law enforcement officer or the superintendent denies  
34 a motor vehicle handgun permit, the applicant may request a hearing  
35 in the Superior Court of the county in which the applicant resides by  
36 filing a written request for a hearing within 30 days of the  
37 denial. Copies of the request shall be served upon the superintendent,  
38 the county prosecutor, and the chief law enforcement officer of the  
39 municipality where the applicant resides, if the applicant is a resident of  
40 this State. The hearing shall be held within 30 days of the filing of the  
41 request, and no formal pleading or filing fee shall be required. Appeals  
42 from the determination at the hearing shall be in accordance with law  
43 and the rules governing the courts of this State.

44 If the superintendent or chief law enforcement officer approves an  
45 application and the Superior Court denies the application and refuses to  
46 issue a permit, the applicant may appeal the denial in accordance with  
47 law and the rules governing the courts of this State.

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1 g. Any permit issued under this section shall be void at the time the  
2 holder thereof becomes subject to any of the disabilities set forth in  
3 subsection c. of N.J.S.2C:58-3. The holder of a void permit shall  
4 immediately surrender the permit to the superintendent who shall give  
5 notice to the licensing authority.

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

12

13 2. N.J.S.2C:39-5 is amended to read as follows:

14 2C:39-5. Unlawful possession of weapons. a. Machine guns. Any  
15 person who knowingly has in his possession a machine gun or any  
16 instrument or device adaptable for use as a machine gun, without  
17 being licensed to do so as provided in N.J.S.2C:58-5, is guilty of a  
18 crime of the second degree.

19 b. Handguns. (1) Any person who knowingly has in his  
20 possession any handgun, including any antique handgun, without  
21 first having obtained a permit to carry **the same** a handgun as  
22 provided in N.J.S.2C:58-4 or a motor vehicle handgun permit while  
23 transporting the handgun in accordance with section 1 of  
24 P.L. , c. (C. ) (pending before the Legislature as this bill), is  
25 guilty of a crime of the second degree. (2) If the handgun is in the  
26 nature of an air gun, spring gun or pistol or other weapon of a similar  
27 nature in which the propelling force is a spring, elastic band, carbon  
28 dioxide, compressed or other gas or vapor, air or compressed air, or  
29 is ignited by compressed air, and ejecting a bullet or missile smaller  
30 than three-eighths of an inch in diameter, with sufficient force to  
31 injure a person it is a crime of the third degree.

32 c. Rifles and shotguns. (1) Any person who knowingly has in  
33 his possession any rifle or shotgun without having first obtained a  
34 firearms purchaser identification card in accordance with the  
35 provisions of N.J.S.2C:58-3, is guilty of a crime of the third degree.

36 (2) Unless otherwise permitted by law, any person who  
37 knowingly has in his possession any loaded rifle or shotgun is guilty  
38 of a crime of the third degree.

39 d. Other weapons. Any person who knowingly has in his  
40 possession any other weapon under circumstances not manifestly  
41 appropriate for such lawful uses as it may have is guilty of a crime  
42 of the fourth degree.

43 e. Firearms or other weapons in educational institutions.

44 (1) Any person who knowingly has in his possession any firearm  
45 in or upon any part of the buildings or grounds of any school, college,  
46 university or other educational institution, without the written  
47 authorization of the governing officer of the institution, is guilty of a  
48 crime of the third degree, irrespective of whether he possesses a valid

1 permit to carry the firearm or a valid firearms purchaser identification  
2 card.

3 (2) Any person who knowingly possesses any weapon  
4 enumerated in paragraphs (3) and (4) of subsection r. of N.J.S.2C:39-  
5 1 or any components which can readily be assembled into a firearm  
6 or other weapon enumerated in subsection r. of N.J.S.2C:39-1 or any  
7 other weapon under circumstances not manifestly appropriate for  
8 such lawful use as it may have, while in or upon any part of the  
9 buildings or grounds of any school, college, university or other  
10 educational institution without the written authorization of the  
11 governing officer of the institution is guilty of a crime of the fourth  
12 degree.

13 (3) Any person who knowingly has in his possession any  
14 imitation firearm in or upon any part of the buildings or grounds of  
15 any school, college, university or other educational institution,  
16 without the written authorization of the governing officer of the  
17 institution, or while on any school bus is a disorderly person,  
18 irrespective of whether he possesses a valid permit to carry a firearm  
19 or a valid firearms purchaser identification card.

20 f. Assault firearms. Any person who knowingly has in his  
21 possession an assault firearm is guilty of a crime of the second degree  
22 except if the assault firearm is licensed pursuant to N.J.S.2C:58-5;  
23 registered pursuant to section 11 of P.L.1990, c.32 (C.2C:58-12); or  
24 rendered inoperable pursuant to section 12 of P.L.1990, c.32  
25 (C.2C:58-13).

26 g. (1) The temporary possession of a handgun, rifle or shotgun  
27 by a person receiving, possessing, carrying or using the handgun,  
28 rifle, or shotgun under the provisions of section 1 of P.L.1992, c.74  
29 (C.2C:58-3.1) shall not be considered unlawful possession under the  
30 provisions of subsection b. or c. of this section.

31 (2) The temporary possession of a firearm by a person receiving,  
32 possessing, carrying or using the firearm under the provisions of  
33 section 1 of P.L.1997, c.375 (C.2C:58-3.2) shall not be considered  
34 unlawful possession under the provisions of this section.

35 h. A person who is convicted of a crime under subsection a., b.,  
36 f. or j. of this section shall be ineligible for participation in any  
37 program of intensive supervision; provided, however, that this  
38 provision shall not apply to a crime under subsection b. involving  
39 only a handgun which is in the nature of an air gun, spring gun or  
40 pistol or other weapon of a similar nature in which the propelling  
41 force is a spring, elastic band, carbon dioxide, compressed or other  
42 gas or vapor, air or compressed air, or is ignited by compressed air,  
43 and ejecting a bullet or missile smaller than three-eighths of an inch  
44 in diameter, with sufficient force to injure a person.

45 i. A person convicted of violating subsection a., b. or f. of this  
46 section shall be sentenced by the court to a term of imprisonment,  
47 which shall include the imposition of a minimum term during which  
48 the defendant shall be ineligible for parole, if the court finds that the

1 aggravating circumstance set forth in paragraph (5) of subsection a.  
2 of N.J.S.2C:44-1 applies. The minimum term of parole ineligibility  
3 shall be fixed at five years. The sentencing court shall make a finding  
4 on the record as to whether the aggravating circumstance set forth in  
5 paragraph (5) of subsection a. of N.J.S.2C:44-1 applies, and the court  
6 shall presume that there is a substantial likelihood that the defendant  
7 is involved in organized criminal activity if there is a substantial  
8 likelihood that the defendant is a member of an organization or group  
9 that engages in criminal activity. The prosecution at the sentencing  
10 hearing shall have the initial burden of producing evidence or  
11 information concerning the defendant's membership in such an  
12 organization or group.

13 j. A violation of subsection a., b., c. or f. of this section by a  
14 person who has a prior conviction of any of the crimes enumerated  
15 in subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2) is a  
16 first degree crime.

17 (cf: P.L.2013, c.113, s.1)

18

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

20 2C:39-6. a. Provided a person complies with the requirements of  
21 subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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

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

29 (3) Members of the State Police and, under conditions prescribed  
30 by the superintendent, members of the Marine Law Enforcement  
31 Bureau of the Division of State Police;

32 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,  
33 assistant prosecutor, prosecutor's detective or investigator, deputy  
34 attorney general or State investigator employed by the Division of  
35 Criminal Justice of the Department of Law and Public Safety,  
36 investigator employed by the State Commission of Investigation,  
37 inspector of the Alcoholic Beverage Control Enforcement Bureau of  
38 the Division of State Police in the Department of Law and Public  
39 Safety authorized to carry weapons by the Superintendent of State  
40 Police, State park police officer, or State conservation police officer;

41 (5) Except as hereinafter provided, a State correctional police  
42 officer, or a prison or jail warden of any penal institution in this State  
43 or the warden's deputies, or an employee of the Department of  
44 Corrections engaged in the interstate transportation of convicted  
45 offenders, while in the performance of the employee's duties, and  
46 when required to possess the weapon by a superior officer, or a  
47 correctional police officer or keeper of a penal institution in this State  
48 at all times while in the State of New Jersey, provided the person

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1 annually passes an examination approved by the superintendent  
2 testing the person's proficiency in the handling of firearms;

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

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

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

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

24 (8) A full-time, paid member of a paid or part-paid fire  
25 department or force of any municipality who is assigned full-time or  
26 part-time to an arson investigation unit created pursuant to section 1  
27 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson  
28 investigation unit in the county prosecutor's office, while either  
29 engaged in the actual performance of arson investigation duties or  
30 while actually on call to perform arson investigation duties and when  
31 specifically authorized by the governing body or the county  
32 prosecutor, as the case may be, to carry weapons. Prior to being  
33 permitted to carry a firearm, a member shall take and successfully  
34 complete a firearms training course administered by the Police  
35 Training Commission pursuant to P.L.1961, c.56 (C.52:17B-  
36 66 et seq.), and shall annually qualify in the use of a revolver or  
37 similar weapon prior to being permitted to carry a firearm;

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

42 (10) A designated employee or designated licensed agent for a  
43 nuclear power plant under license of the Nuclear Regulatory  
44 Commission, while in the actual performance of the person's official  
45 duties, if the federal licensee certifies that the designated employee  
46 or designated licensed agent is assigned to perform site protection,  
47 guard, armed response or armed escort duties and is appropriately  
48 trained and qualified, as prescribed by federal regulation, to perform

1 those duties. Any firearm utilized by an employee or agent for a  
2 nuclear power plant pursuant to this paragraph shall be returned each  
3 day at the end of the employee's or agent's authorized official duties  
4 to the employee's or agent's supervisor. All firearms returned each  
5 day pursuant to this paragraph shall be stored in locked containers  
6 located in a secure area;

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

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

12 (1) A law enforcement officer employed by a governmental  
13 agency outside of the State of New Jersey while actually engaged in  
14 the officer's official duties, provided, however, that the officer has  
15 first notified the superintendent or the chief law enforcement officer  
16 of the municipality or the prosecutor of the county in which the  
17 officer is engaged; or

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

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

27 (1) A special agent of the Division of Taxation who has passed  
28 an examination in an approved police training program testing  
29 proficiency in the handling of any firearm which the agent may be  
30 required to carry, while in the actual performance of the agent's  
31 official duties and while going to or from the agent's place of duty,  
32 or any other police officer, while in the actual performance of the  
33 officer's official duties;

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

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

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

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

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



1 (7) A municipal humane law enforcement officer, authorized  
2 pursuant to subsection d. of section 25 of P.L.2017, c.331 (C.4:22-  
3 14.1), or humane law enforcement officer of a county society for the  
4 prevention of cruelty to animals authorized pursuant to subsection c.  
5 of section 29 of P.L.2017, c.331 (C.4:22-14.5), while in the actual  
6 performance of the officer's duties;

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

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

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

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

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

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

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

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

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

44 (17) A probation officer assigned to the "Probation Officer  
45 Community Safety Unit" created by section 2 of P.L.2001, c.362  
46 (C.2B:10A-2) while in the actual performance of the probation  
47 officer's official duties. Prior to being permitted to carry a firearm, a  
48 probation officer shall take and successfully complete a basic course

1 for regular police officer training administered by the Police Training  
2 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and  
3 shall annually qualify in the use of a revolver or similar weapon prior  
4 to being permitted to carry a firearm.

5 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to  
6 antique firearms, provided that the antique firearms are unloaded or  
7 are being fired for the purposes of exhibition or demonstration at an  
8 authorized target range or in another manner approved in writing by  
9 the chief law enforcement officer of the municipality in which the  
10 exhibition or demonstration is held, or if not held on property under  
11 the control of a particular municipality, the superintendent.

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

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

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

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

43 e. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall be  
44 construed to prevent a person keeping or carrying about the person's  
45 place of business, residence, premises or other land owned or  
46 possessed by the person, any firearm, or from carrying the same, in  
47 the manner specified in subsection g. of this section, from any place  
48 of purchase to the person's residence or place of business, between

1 the person's dwelling and place of business, between one place of  
2 business or residence and another when moving, or between the  
3 person's dwelling or place of business and place where the firearms  
4 are repaired, for the purpose of repair. For the purposes of this  
5 section, a place of business shall be deemed to be a fixed location.

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

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

16 (2) A person carrying a firearm or knife in the woods or fields or  
17 upon the waters of this State for the purpose of hunting, target  
18 practice or fishing, provided that the firearm or knife is legal and  
19 appropriate for hunting or fishing purposes in this State and the  
20 person has in his possession a valid hunting license, or, with respect  
21 to fresh water fishing, a valid fishing license;

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

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

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

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

44 (4) A person from keeping or carrying about a private or  
45 commercial aircraft or any boat, or from transporting to or from the  
46 aircraft or boat for the purpose of installation or repair of a visual  
47 distress signaling device approved by the United States Coast Guard;  
48 and

1       (5) The holder of a motor vehicle handgun permit from  
2 transporting a handgun in accordance with section 1 of P.L. \_\_\_\_\_, c.  
3 (C. \_\_\_\_\_) (pending before the Legislature as this bill). A permit holder  
4 who is stopped by a law enforcement officer shall inform the officer  
5 that a handgun is being transported in the motor vehicle and shall  
6 display the valid motor vehicle handgun permit.

7       g. Any weapon being transported under paragraph (2) of  
8 subsection b., subsection e., or paragraph (1) or (3) of subsection f.  
9 of this section shall be carried unloaded and contained in a closed and  
10 fastened case, gunbox, securely tied package, or locked in the trunk  
11 of the automobile in which it is being transported, and in the course  
12 of travel shall include only deviations as are reasonably necessary  
13 under the circumstances.

14       h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed  
15 to prevent any employee of a public utility, as defined in R.S.48:2-  
16 13, doing business in this State or any United States Postal Service  
17 employee, while in the actual performance of duties which  
18 specifically require regular and frequent visits to private premises,  
19 from possessing, carrying or using any device which projects,  
20 releases or emits any substance specified as being noninjurious to  
21 canines or other animals by the Commissioner of Health and which  
22 immobilizes only on a temporary basis and produces only temporary  
23 physical discomfort through being vaporized or otherwise dispensed  
24 in the air for the sole purpose of repelling canine or other animal  
25 attacks.

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

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

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

44       (2) Notwithstanding the provisions of paragraph (1) of this  
45 subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a  
46 health inspector or investigator operating pursuant to the provisions  
47 of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building inspector  
48 from possessing a device which is capable of releasing more than

1 three-quarters of an ounce of a chemical substance, as described in  
2 paragraph (1) of this subsection, while in the actual performance of  
3 the inspector's or investigator's duties, provided that the device does  
4 not exceed the size of those used by law enforcement.

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

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

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

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

1 who is 75 years of age or younger, and who was regularly employed  
2 as a full-time member of the State Police; a full-time member of an  
3 interstate police force; a full-time member of a county or municipal  
4 police department in this State; a full-time member of a State law  
5 enforcement agency; a full-time sheriff, undersheriff or sheriff's  
6 officer of a county of this State; a full-time State or county  
7 correctional police officer; a full-time State correctional police  
8 officer or county correctional police officer; a full-time State or  
9 county park police officer; a full-time special agent of the Division  
10 of Taxation; a full-time Human Services police officer; a full-time  
11 transit police officer of the New Jersey Transit Police Department; a  
12 full-time campus police officer exempted pursuant to paragraph (10)  
13 of subsection c. of this section; a full-time State conservation police  
14 officer exempted pursuant to paragraph (4) of subsection a. of this  
15 section; a full-time Palisades Interstate Park officer appointed  
16 pursuant to R.S.32:14-21; a full-time Burlington County Bridge  
17 police officer appointed pursuant to section 1 of P.L.1960, c.168  
18 (C.27:19-36.3); a full-time housing authority police officer exempted  
19 pursuant to paragraph (16) of subsection c. of this section; a full-time  
20 juvenile correctional police officer exempted pursuant to paragraph  
21 (9) of subsection a. of this section; a full-time parole officer  
22 exempted pursuant to paragraph (13) of subsection c. of this section;  
23 a full-time railway policeman exempted pursuant to paragraph (9) of  
24 subsection c. of this section; a full-time county prosecutor's detective  
25 or investigator; a full-time federal law enforcement officer; or is a  
26 qualified retired law enforcement officer, as used in the federal "Law  
27 Enforcement Officers Safety Act of 2004," Pub.L. 108-277,  
28 domiciled in this State from carrying a handgun in the same manner  
29 as law enforcement officers exempted under paragraph (7) of  
30 subsection a. of this section under the conditions provided herein:

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

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

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

42 (b) The date that the retired officer was hired and the date that the  
43 officer retired;

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

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

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

1 (3) If the superintendent approves a retired officer's application  
2 or reapplication to carry a handgun pursuant to the provisions of this  
3 subsection, the superintendent shall notify in writing the chief law  
4 enforcement officer of the municipality wherein that retired officer  
5 resides. In the event the retired officer resides in a municipality  
6 which has no chief law enforcement officer or law enforcement  
7 agency, the superintendent shall maintain a record of the approval.

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

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

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

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

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

1 dispensed in the air for the purpose of repelling bear or other animal  
2 attacks or for the aversive conditioning of wildlife.  
3 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall be  
4 construed to prevent duly authorized personnel of the New Jersey  
5 Division of Fish and Wildlife, while in the actual performance of  
6 duties, from possessing, transporting or using hand held pistol-like  
7 devices, rifles or shotguns that launch pyrotechnic missiles for the  
8 sole purpose of frightening, hazing or aversive conditioning of  
9 nuisance or depredating wildlife; from possessing, transporting or  
10 using rifles, pistols or similar devices for the sole purpose of  
11 chemically immobilizing wild or non-domestic animals; or, provided  
12 the duly authorized person complies with the requirements of  
13 subsection j. of this section, from possessing, transporting or using  
14 rifles or shotguns, upon completion of a Police Training Commission  
15 approved training course, in order to dispatch injured or dangerous  
16 animals or for non-lethal use for the purpose of frightening, hazing  
17 or aversive conditioning of nuisance or depredating wildlife.  
18 (cf: P.L.2019, c.407, s.2)

19  
20 4. This act shall take effect immediately.

21  
22  
23 STATEMENT  
24

25 This bill establishes a motor vehicle handgun permit to allow a  
26 person to transport a handgun in a motor vehicle for the purpose of  
27 self-protection while traveling in all parts of this State. Under the  
28 bill, a permit holder would be entitled to transport a loaded or  
29 unloaded handgun in a closed and fastened case, gunbox, securely  
30 tied package, or an enclosed area of the motor vehicle in which it is  
31 being transported. The permit would apply to any handgun lawfully  
32 owned by the permit holder. The bill establishes a \$50 fee to obtain  
33 the permit.

34 Under current law, in order to lawfully carry a handgun in public, it  
35 is necessary for a private citizen to obtain a permit to carry a handgun.  
36 However, in order to obtain a permit to carry a handgun in this State, a  
37 person is required to meet the highly stringent justifiable need standard,  
38 which is defined, in part, as the urgent necessity for self-protection.  
39 Only certain persons in specific situations are permitted to lawfully  
40 transport a handgun without a permit to carry. These situations include  
41 driving to and from target practice or other authorized places.

42 Under the bill, a person who obtains a motor vehicle handgun  
43 permit would be entitled to carry a lawfully owned handgun  
44 anywhere in the person's vehicle for the purpose of self-protection.  
45 The bill does not require a person to demonstrate justifiable need. A  
46 permit applicant would be required to complete a two-hour  
47 comprehensive training requirement that includes one hour of classroom  
48 instruction and one hour of target training on a firing range approved by



1 the governing body of the municipality in which the range is located  
2 or the National Rifle Association. The bill requires the classroom  
3 instruction to be provided by an instructor certified by the Police  
4 Training Commission or the National Rifle Association. The  
5 classroom instruction would pertain to the use, handling, and  
6 maintenance of handguns and address: basic firearm safety; firearm  
7 terminology and nomenclature; basic principles of marksmanship;  
8 care, cleaning, maintenance, loading, unloading, and storage of  
9 handguns; situational awareness, conflict management, and use of  
10 deadly force; selection of handguns and ammunition for defensive  
11 purposes; and applicable State and federal firearm laws and State law  
12 pertaining to self-defense.

13 Under the bill, the process to apply for a motor vehicle handgun  
14 permit would be similar to the process for applying for a permit to  
15 carry a handgun. An application for a motor vehicle handgun permit  
16 is to be made on forms prescribed by the Superintendent of State Police.  
17 An application is to be submitted to the chief law enforcement officer  
18 of the municipality in which the applicant resides. If there is no chief  
19 law enforcement officer in the municipality in which the applicant  
20 resides, then the application is to be submitted to superintendent.

21 The bill requires the chief law enforcement officer, or the  
22 superintendent, as the case may be, to conduct the necessary State and  
23 federal criminal history and mental health background checks. Once  
24 approved by the chief law enforcement officer or the superintendent, the  
25 applicant is required to submit the application to the Superior Court of  
26 the county in which the person resides. The court is to issue the permit  
27 to the applicant if it is satisfied that the applicant is a person of good  
28 character who is not subject to any of the disabilities that prohibit  
29 firearm ownership under current law. A person aggrieved by the denial  
30 of a motor vehicle handgun permit may appeal to the Superior Court  
31 of the county in which the person resides by filing a written request for  
32 a hearing within 30 days of the denial.

33 The bill requires a permit holder who is stopped by a law  
34 enforcement officer to inform the officer that a handgun is being  
35 transported in the motor vehicle and to display a valid motor vehicle  
36 handgun permit.