

2C:39-6

LEGISLATIVE HISTORY CHECKLIST

MJSA 2C:39-6 (Corrections officer -- weapons -- carry at all times - permit)

LAWS 1981 CHAPTER 294

Bill No. 5679

Sponsor(s) A. Russo and Gregorio

Date Introduced Pre-filed

Committee: Assembly County Government

Senate Law, Public Safety and Defense

Amended during passage Yes ~~XXX~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly June 11, 1981

Senate Feb. 23, 1981

Date of approval Oct. 9, 1981

Following statements are attached if available:

Sponsor statement Yes ~~XXX~~ (Below)

Committee Statement: Assembly Yes ~~XXX~~

Senate Yes ~~XXX~~

Fiscal Note ~~Yes~~ No

Veto Message ~~Yes~~ No

Message on signing Yes ~~XXX~~

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

Sponsors' statement:

This bill authorizes corrections officers to carry weapons at all times while in New Jersey.

6/22/81

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SENATE, No. 679

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1980 SESSION

By Senators A. RUSSO and GREGORIO

AN ACT concerning the lawful possession of weapons by certain persons and amending N. J. S. 2C:39-6.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

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

2 2C:39-6. Exemptions. a. Section 2C:39-5 does not apply to:

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

7 (2) Federal law enforcement officers, and any other Federal  
8 officers and employees required to carry firearms in the perform-  
9 ance of their official duties;

10 (3) Members of the State Police, a motor vehicle inspector;

11 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,  
12 assistant prosecutor, prosecutor's detective or investigator, deputy  
13 attorney general or State Investigator employed by the Division of  
14 Criminal Justice of the Department of Law and Public Safety,  
15 investigator employed by the State Commission of Investigation,  
16 inspectors and investigators of the Division of Alcoholic Beverage  
17 Control in the Department of Law and Public Safety, State park  
18 ranger, or State conservation officer;

19 (5) A prison or jail warden *of any penal institution in this State*  
20 *or his deputies, [a correction officer or keeper of any penal institu-*  
21 *tion in this State,]* or an employee of the Department of Corrections  
22 engaged in the interstate transportation of convicted offenders,  
23 while in the performance of his duties, and when required to possess  
24 such a weapon by his superior officer, *or a correction officer or*  
25 *keeper of a penal institution in this State at all times while in 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.

26 *State of New Jersey \*provided he annually passes an examination*  
 26A *approved by the superintendent testing his proficiency in the han-*  
 26B *dling of firearms\*;*

27 (6) A civilian employee of the United States Government under  
 28 the supervision of the commanding officer of any post, camp, sta-  
 29 tion, base or other military or naval installation located in this  
 30 State who is required, in the performance of his official duties, to  
 31 carry firearms, and who is authorized to carry such firearms by  
 32 said commanding officer, while in the actual performance of his  
 33 official duties;

34 (7) A regularly employed member, including a detective, of the  
 35 police department of any county or municipality, or of any State,  
 36 interstate, municipal or county park police force or boulevard police  
 37 force, at all times while in the State of New Jersey, or a special  
 38 policeman appointed by the governing body of any county or  
 39 municipality or by the commission, board or other body having  
 40 control of a county park or boulevard police force, while engaged  
 41 in the actual performance of his official duties and when specifically  
 42 authorized by the governing body to carry weapons.

43 b. Subsections a., b. and c. of section 2C:39-5 do not apply to:

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

49 (2) A licensed dealer in firearms and his registered employees  
 50 during the course of their normal business while traveling to and  
 51 from their place of business and other places for the purpose of  
 52 demonstration, exhibition or delivery in connection with a sale,  
 53 provided, however, that any such weapon is carried in the manner  
 54 specified in subsection g. of this section .

55 c. Subsections b. and c. of section 2C:39-5 do not apply to:

56 (1) A *\*\*special agent of the Division of Taxation who has passed*  
 57 *an examination in an approved police training program testing*  
 58 *proficiency in the handling of any firearm which he may be required*  
 59 *to carry or a\*\* railway policeman, while in the actual performance*  
 60 *of his official duties and while going to or from his place of duty, a*  
 60A *campus police officer appointed pursuant to P. L. 1970, c. 211*  
 60B *(C. 18A:6-4.2 et seq.) or any other police officer, while in the actual*  
 60C *performance of his official duties;*

61 (2) A state deputy conservation officer or a full-time employee of  
 62 the Division of Parks and Forestry having the power of arrest and

63 authorized to carry weapons, while in the actual performance of  
64 his official duties;

65 (3) A full-time member of the marine patrol force or a special  
66 marine patrolman authorized to carry such a weapon by the Com-  
67 missioner of Environmental Protection, while in the actual per-  
68 formance of his official duties[.];

69 (4) A court attendant serving as such under appointment by the  
70 sheriff of the county or by the judge or magistrate of any court  
71 of this State, while in the actual performance of his official duties;

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

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

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

81 (8) An employee of a public utilities corporation actually en-  
82 gaged in the transportation of explosives.

83 d. Subsections c. and d. of section 2C:39-5 do not apply to  
84 antique firearms, provided that such antique firearms are unloaded  
85 or are being fired for the purposes of exhibition or demonstration  
86 at an authorized target range or in such other manner as has  
87 been approved in writing by the chief law enforcement officer of  
88 the municipaliy in which the exhibition or demonstration is held.

89 e. Nothing in subsections b., c. and d. of section 2C:39-5 shall  
90 be construed to prevent a person keeping or carrying about his  
91 place of business, residence, premises or other land owned or  
92 possessed by him, any firearm, or from carrying the same, in the  
93 manner specified in subsection g. of this section, from any place of  
94 purchase to his residence or place of business between his dwellings  
95 and his place of business, between one place of business or residence  
96 and another when moving, or between his dwelling or place of  
97 business and place where such firearms are repaired, for the  
98 purpose of repair. For the purposes of this section, a place of  
99 business shall be deemed to be a fixed location.

100 f. Nothing in subsections b., c. and d. of section 2C:39-5 shall be  
101 construed to prevent:

102 (1) A member of any rifle or pistol club organized in accordance  
103 with the rules prescribed by the National Board for the Promotion  
104 of Rifle Practice, in going to or from a place of target practice,

105 carrying such firearms as are necessary for said target practice,  
106 provided that the club has filed a copy of its charter with the super-  
107 intendent and annually submits a list of its members to the  
108 superintendent, and provided further that the firearms are carried  
109 in the manner specified in subsection g. of this section;

110 (2) A person carrying a firearm or knife in the woods or fields  
111 or upon the waters of this State for the purpose of hunting, target  
112 practice or fishing, provided that the firearm or knife is legal and  
113 appropriate for hunting or fishing purposes in this State and he  
114 has in his possession a valid hunting license, or, with respect to  
115 fresh water fishing, a valid fishing license;

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

117 (a) Directly to or from any place for the purpose of hunting or  
118 fishing, provided such person has in his possession a valid hunting  
119 or fishing license; or

120 (b) Directly to or from any target range, or other authorized  
121 place for the purpose of practice, match, target, trap or skeet shoot-  
122 ing exhibitions, provided in all cases that during the course of  
123 such travel all firearms are carried in the manner specified in sub-  
124 section g. of this section and the person has complied with all the  
125 provisions and requirements of Title 23 of the Revised Statutes  
126 and any amendments thereto and all rules and regulations promul-  
127 gated thereunder:

128 (c) In the case of a firearm, directly to or from any exhibition  
129 or display of firearms which is sponsored by any law enforcement  
130 agency, any rifle or pistol club, or any firearms collectors club,  
131 for the purpose of displaying of the firearms to the public or to the  
132 members of such organization or club, provided, however, that not  
133 less than 30 days prior to such exhibition or display, notice of such  
134 exhibition or display shall be given to the Superintendent of the  
135 State Police by the sponsoring organization or club, and the spon-  
136 sor has complied with such reasonable safety regulations or the  
137 superintendent may promulgate. Any firearms transported pur-  
138 suant to this section must be transported in the manner specified  
139 in paragraph g. of this section.

140 g. All weapons being transported under subsections b. (2), e.  
141 or f. (1) or (3) of this section shall be carried unloaded and con-  
142 tained in a closed and fastened case, gunbox, securely tied package,  
143 or locked in the trunk of the automobile in which it is being trans-  
144 ported, and the course of travel shall include only such deviations  
145 as are reasonably necessary under the circumstances.

1 2. This act shall take effect immediately.

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ASSEMBLY COUNTY GOVERNMENT COMMITTEE

STATEMENT TO

**SENATE, No. 679**

**STATE OF NEW JERSEY**

DATED: MAY 14, 1981.

Senate Bill No. 679 amends N. J. S. 2C:39-6 to permit corrections officers to carry firearms when they are off duty. In order to secure permission to carry a firearm when off duty, a corrections officer must annually pass an examination, approved by the superintendent, which tests the officers proficiency in the handling of firearms.

Under current law, corrections officers can carry firearms only when they are on duty or when they are required to do so by their superior officer.

The committee amended the bill so that it would conform with the provisions of P. L. 1981, c. 108.

SENATE LAW, PUBLIC SAFETY AND DEFENSE  
COMMITTEE

STATEMENT TO

**SENATE, No. 679**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: FEBRUARY 2, 1981

This bill would permit corrections officers to carry firearms while off duty. Presently, such officers can only carry firearms when on duty and required to do so by their superior officers. The committee amended the bill to provide that in order to qualify for an exemption, each officer must annually qualify through an examination testing his proficiency in the handling of firearms.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

OCTOBER 15, 1981

KATHRYN FORSYTH

Governor Brendan Byrne has signed S-679, sponsored by Senator Anthony Russo (D-Union), which permits a corrections officer to carry a firearm at all times, provided he/she passes an annual State Police examination to test proficiency in handling the firearm.

Byrne signed the bill before leaving the State late last week.

Under prior law, correction officers could carry firearms when engaged in the interstate transportation of convicted offenders, while in the performance of their duties, and when required to possess a firearm by a superior officer.

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