

**2C:39-6**  
**LEGISLATIVE HISTORY CHECKLIST**  
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**LAWS OF:** 2017                    **CHAPTER:** 110

**NJSA:** 2C:39-6 (Expands list of retired law enforcement officers eligible to carry handgun.)

**BILL NO:** A2690                    (Substituted for S1944)

**SPONSOR(S)** Johnson and others

**DATE INTRODUCED:** 2/8/2016

**COMMITTEE:**                    **ASSEMBLY:** Law & Public Safety

**SENATE:** Law & Public Safety

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**                    **ASSEMBLY:**

**SENATE:**

**DATE OF APPROVAL:** 7/13/2017

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (Second Reprint enacted) Yes

**A2690**

**SPONSOR'S STATEMENT:** (Begins on page 12 of introduced bill) Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** Yes

**SENATE:** Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** Yes

**LEGISLATIVE FISCAL ESTIMATE:** No

**S1944**

**SPONSOR'S STATEMENT:** (Begins on page 12 of introduced bill) Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** No

**SENATE:** Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

(continued)

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

**REPORTS:** Yes

Memorandum to the New Jersey Law Revision Commission re: retired police right to carry: March 7, 2016. by Petitti, Vito J., author. [Newark, N.J.] : [New Jersey Law Revision Commission], [2016]  
Library call number: 974.90 L415, 2016j  
Available online at <https://dspace.njstatelib.org/handle/10929/40144>

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

"New law lets more ex-cops carry guns," The Star-Ledger, July 14, 2017

"Christie signs firearms bill," The Jersey Journal, July 15, 2017

"Christie signs law expanding gun rights," South Jersey Times, July 15, 2017

"Christie signs bill allowing more retired officers to carry handguns," Observer, July 13, 2017

"New law allows nearly any retired cop to carry gun," news12, July 14, 2017

RWH/JA

P.L.2017, CHAPTER 110, *approved July 13, 2017*

Assembly, No. 2690 (*Second Reprint*)

1 AN ACT concerning handgun carry permits and amending  
2 N.J.S.2C:39-6.

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

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

8 2C:39-6. a. Provided a person complies with the requirements of  
9 subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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

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

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

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

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

38 (6) A civilian employee of the United States Government under  
39 the supervision of the commanding officer of any post, camp, station,  
40 base or other military or naval installation located in this State who is  
41 required, in the performance of his official duties, to carry firearms,

**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:

<sup>1</sup>Assembly ALP committee amendments adopted June 2, 2016.

<sup>2</sup>Assembly floor amendments adopted June 16, 2016.

1 and who is authorized to carry **[such]** firearms by **[said]** the  
2 commanding officer, while in the actual performance of his official  
3 duties;

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

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

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

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

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

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

1 (11) A county corrections officer at all times while in the State of  
2 New Jersey, provided he annually passes an examination approved by  
3 the superintendent testing his proficiency in the handling of firearms.

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

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

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

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

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

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

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

30 (4) A court attendant <sup>1</sup>**[serving as such under appointment]**  
31 appointed<sup>1</sup> by the sheriff of the county or by the judge of any  
32 municipal court or other court of this State, while in the actual  
33 performance of his official duties;

34 (5) A guard <sup>1</sup>**[in the employ of]** employed by<sup>1</sup> any railway express  
35 company, banking or building and loan or savings and loan institution  
36 of this State, while in the actual performance of his official duties;

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

41 (7) A humane law enforcement officer of the New Jersey Society  
42 for the Prevention of Cruelty to Animals or of a county society for the  
43 prevention of cruelty to animals, while in the actual performance of his  
44 duties;

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

47 (9) A railway policeman, except a transit police officer of the New  
48 Jersey Transit Police Department, at all times while in the State of

1 New Jersey, provided that he has passed an approved police academy  
2 training program consisting of at least 280 hours. The training  
3 program shall include, but need not be limited to, the handling of  
4 firearms, community relations, and 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 a  
7 firearm, a campus police officer shall take and successfully complete a  
8 firearms training course administered by the Police Training  
9 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and  
10 shall annually qualify in the use of a revolver or similar weapon prior  
11 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 the  
15 officer has satisfied the training requirements of the Police Training  
16 Commission, pursuant to subsection c. of section 2 of P.L.1989, c.291  
17 (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 shall  
20 take and successfully complete a basic course for regular police officer  
21 training administered by the Police Training Commission, pursuant to  
22 P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually qualify in the  
23 use of a revolver or similar weapon prior to being permitted to carry a  
24 firearm;

25 (14) A Human Services police officer at all times while in the State  
26 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 P.L.1997,  
32 c.210 (C.40A:14-146.19 et al.) at all times while in the State of New  
33 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, a  
38 probation officer shall take and successfully complete a basic course  
39 for regular police officer training administered by the Police Training  
40 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and  
41 shall annually qualify in the use of a revolver or similar weapon prior  
42 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 **【such】** the antique firearms are  
45 unloaded or are being fired for the purposes of exhibition or  
46 demonstration at an authorized target range or in **【such other】** another  
47 manner **【as has been】** approved in writing by the chief law  
48 enforcement officer of the municipality in which the exhibition or

1 demonstration is held, or if not held on property under the control of a  
2 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 museum,  
7 a municipality, a county or the State, or (b) a person who obtained a  
8 firearms purchaser identification card as specified in N.J.S.2C:58-3.

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

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

23 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of  
24 N.J.S.2C:39-5 do not apply to the transportation of unloaded antique  
25 cannons directly to or from exhibitions or demonstrations authorized  
26 under paragraph (4) of subsection d. of this section, provided that the  
27 transportation is in compliance with safety regulations the  
28 superintendent may promulgate. <sup>1</sup>~~【Nor do those】~~ Those<sup>1</sup> subsections  
29 <sup>1</sup>~~shall not~~ apply to transportation directly to or from exhibitions or  
30 demonstrations authorized under the law of another jurisdiction,  
31 provided that the superintendent has been given 30 days' notice and  
32 that the transportation is in compliance with safety regulations the  
33 superintendent may promulgate.

34 e. Nothing in subsections b., c. <sup>1</sup>~~1~~ and d. of N.J.S.2C:39-5 shall  
35 be construed to prevent a person keeping or carrying about his place of  
36 business, residence, premises or other land owned or possessed by  
37 him, any firearm, or from carrying the same, in the manner specified in  
38 subsection g. of this section, from any place of purchase to his  
39 residence or place of business, between his dwelling and his place of  
40 business, between one place of business or residence and another when  
41 moving, or between his dwelling or place of business and place where  
42 ~~【such】~~ the firearms are repaired, for the purpose of repair. For the  
43 purposes of this section, a place of business shall be deemed to be a  
44 fixed location.

45 f. Nothing in subsections b., c. <sup>1</sup>~~1~~ and d. of N.J.S.2C:39-5 shall  
46 be construed to prevent:

47 (1) A member of any rifle or pistol club organized in accordance  
48 with the rules prescribed by the National Board for the Promotion of

1 Rifle Practice, in going to or from a place of target practice, carrying  
2 **【such】** firearms **【as are】** necessary for **【said】** target practice, provided  
3 that the club has filed a copy of its charter with the superintendent and  
4 annually submits a list of its members to the superintendent and  
5 provided further that the firearms are carried in the manner specified in  
6 subsection g. of this section;

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

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

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

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

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

35 (4) A person from keeping or carrying about a private or  
36 commercial aircraft or any boat, or from transporting to or from **【such**  
37 **vessel】** the aircraft or boat for the purpose of installation or repair <sup>2</sup>of<sup>2</sup>  
38 a visual distress signaling device approved by the United States Coast  
39 Guard.

40 g. <sup>1</sup>**【All weapons】** Any weapon<sup>1</sup> being transported under  
41 paragraph (2) of subsection b., subsection e., or paragraph (1) or (3) of  
42 subsection f. of this section shall be carried unloaded and contained in  
43 a closed and fastened case, gunbox, securely tied package, or locked in  
44 the trunk of the automobile in which it is being transported, and in the  
45 course of travel shall include only **【such】** deviations as are reasonably  
46 necessary under the circumstances.

47 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to  
48 prevent any employee of a public utility, as defined in R.S.48:2-13,

1 doing business in this State or any United States Postal Service  
2 employee, while in the actual performance of duties which specifically  
3 require regular and frequent visits to private premises, from  
4 possessing, carrying or using any device which projects, releases or  
5 emits any substance specified as being noninjurious to canines or other  
6 animals by the Commissioner of Health and which immobilizes only  
7 on a temporary basis and produces only temporary physical discomfort  
8 through being vaporized or otherwise dispensed in the air for the sole  
9 purpose of repelling canine or other animal attacks.

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

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

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

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

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

41 **【Such】** The exempt person shall not possess or carry a firearm  
42 until the person has satisfactorily completed a firearms training course  
43 and shall annually qualify in the use of a revolver or similar weapon.  
44 For purposes of this subsection, a "firearms training course" means a  
45 course of instruction in the safe use, maintenance and storage of  
46 firearms which is approved by the Police Training Commission. The  
47 commission shall approve a firearms training course if the  
48 requirements of the course are substantially equivalent to the

1 requirements for firearms training provided by police training courses  
2 which are certified under section 6 of P.L.1961, c.56 (C.52:17B-71). A  
3 person who is specified in paragraph (1), (2), (3) <sup>1</sup> or (6) of  
4 subsection a. of this section shall be exempt from the requirements of  
5 this subsection.

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

12 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed to  
13 prevent a law enforcement officer who retired in good standing,  
14 including a retirement because of a disability pursuant to section 6 of  
15 P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255  
16 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1) <sup>1</sup> or any  
17 substantially similar statute governing the disability retirement of  
18 federal law enforcement officers, provided the officer was a regularly  
19 employed, full-time law enforcement officer for an aggregate of four  
20 or more years prior to his disability retirement and further provided  
21 that the disability which constituted the basis for the officer's  
22 retirement did not involve a certification that the officer was mentally  
23 incapacitated for the performance of his usual law enforcement duties  
24 and any other available duty in the department which his employer  
25 was willing to assign to him or does not subject that retired officer to  
26 any of the disabilities set forth in subsection c. of N.J.S.2C:58-3 which  
27 would disqualify the retired officer from possessing or carrying a  
28 firearm, who semi-annually qualifies in the use of the handgun he is  
29 permitted to carry in accordance with the requirements and procedures  
30 established by the Attorney General pursuant to subsection j. of this  
31 section and pays the actual costs associated with those semi-annual  
32 qualifications, who is 75 years of age or younger, and who was  
33 regularly employed as a full-time member of the State Police; a full-  
34 time member of an interstate police force; a full-time member of a  
35 county or municipal police department in this State; a full-time  
36 member of a State law enforcement agency; a full-time sheriff,  
37 undersheriff or sheriff's officer of a county of this State; a full-time  
38 State or county corrections officer; a full-time State or county park  
39 police officer; a full-time special agent of the Division of Taxation; a  
40 full-time Human Services police officer; a full-time transit police  
41 officer of the New Jersey Transit Police Department; a full-time  
42 campus police officer <sup>1</sup> [or full-time university police officer]<sup>1</sup>  
43 exempted pursuant to paragraph (10) of subsection c. of this section; a  
44 full-time State conservation officer exempted pursuant to paragraph  
45 (4) of subsection a. of this section; a full-time Palisades Interstate Park  
46 officer appointed pursuant to R.S.32:14-21; <sup>1</sup> a full-time Burlington  
47 County Bridge police officer appointed pursuant to section 1 of  
48 P.L.1960, c.168 (C.27:19-36.3);<sup>1</sup> <sup>2</sup> a full-time housing authority police

1 officer exempted pursuant to paragraph (16) of subsection  
2 c. of this section; a full-time juvenile corrections officer exempted  
3 pursuant to paragraph (9) of subsection a. of this section; a full-time  
4 parole officer exempted pursuant to paragraph (13) of subsection c. of  
5 this section; a full-time railway policeman exempted pursuant to  
6 paragraph (9) of subsection c. of this section;<sup>2</sup> a full-time county  
7 prosecutor's detective or investigator; a full-time federal law  
8 enforcement officer; or is a qualified retired law enforcement officer,  
9 as used in the federal "Law Enforcement Officers Safety Act of 2004,"  
10 Pub.L. 108-277, domiciled in this State from carrying a handgun in the  
11 same manner as law enforcement officers exempted under paragraph  
12 (7) of subsection a. of this section under the conditions provided  
13 herein:

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

18 (2) Upon receipt of the written application of the retired law  
19 enforcement officer, the superintendent shall request a verification of  
20 service from the chief law enforcement officer of the organization in  
21 which the retired officer was last regularly employed as a full-time law  
22 enforcement officer prior to retiring. The verification of service shall  
23 include:

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

25 (b) The date that the retired officer was hired and the date that the  
26 officer retired;

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

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

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

32 (3) If the superintendent approves a retired officer's application or  
33 reapplication to carry a handgun pursuant to the provisions of this  
34 subsection, the superintendent shall notify in writing the chief law  
35 enforcement officer of the municipality wherein that retired officer  
36 resides. In the event the retired officer resides in a municipality which  
37 has no chief law enforcement officer or law enforcement agency, the  
38 superintendent shall maintain a record of the approval.

39 (4) The superintendent shall issue to an approved retired officer an  
40 identification card permitting the retired officer to carry a handgun  
41 pursuant to this subsection. This identification card shall be valid for  
42 one year from the date of issuance and shall be valid throughout the  
43 State. The identification card shall not be transferable to any other  
44 person. The identification card shall be carried at all times on the  
45 person of the retired officer while the retired officer is carrying a  
46 handgun. The retired officer shall produce the identification card for  
47 review on the demand of any law enforcement officer or authority.

1 (5) Any person aggrieved by the denial of the superintendent of  
2 approval for a permit to carry a handgun pursuant to this subsection  
3 may request a hearing in the Superior Court of New Jersey in the  
4 county in which he resides by filing a written request for **【such】** a  
5 hearing within 30 days of the denial. Copies of the request shall be  
6 served upon the superintendent and the county prosecutor. The  
7 hearing shall be held within 30 days of the filing of the request, and no  
8 formal pleading or filing fee shall be required. Appeals from the  
9 determination of **【such a】** the hearing shall be in accordance with law  
10 and the rules governing the courts of this State.

11 (6) A judge of the Superior Court may revoke a retired officer's  
12 privilege to carry a handgun pursuant to this subsection for good cause  
13 shown on the application of any interested person. A person who  
14 becomes subject to any of the disabilities set forth in subsection c. of  
15 N.J.S.2C:58-3 shall surrender, as prescribed by the superintendent, his  
16 identification card issued under paragraph (4) of this subsection to the  
17 chief law enforcement officer of the municipality wherein he resides or  
18 the superintendent, and shall be permanently disqualified to carry a  
19 handgun under this subsection.

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

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

33 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall be  
34 construed to prevent duly authorized personnel of the New Jersey  
35 Division of Fish and Wildlife, while in the actual performance of  
36 duties, from possessing, transporting or using hand held pistol-like  
37 devices, rifles or shotguns that launch pyrotechnic missiles for the sole  
38 purpose of frightening, hazing or aversive conditioning of nuisance or  
39 depredating wildlife; from possessing, transporting or using rifles,  
40 pistols or similar devices for the sole purpose of chemically  
41 immobilizing wild or non-domestic animals; or, provided the duly  
42 authorized person complies with the requirements of subsection j. of  
43 this section, from possessing, transporting or using rifles or shotguns,  
44 upon completion of a Police Training Commission approved training  
45 course, in order to dispatch injured or dangerous animals or for non-  
46 lethal use for the purpose of frightening, hazing or aversive  
47 conditioning of nuisance or depredating wildlife.

48 (cf: P.L.2013, c.219, s.1)

1        2. This act shall take effect immediately.

2

3

4

5        Expands list of retired law enforcement officers eligible to carry  
6 handgun.

# ASSEMBLY, No. 2690

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED FEBRUARY 8, 2016

**Sponsored by:**

**Assemblyman GORDON M. JOHNSON**

**District 37 (Bergen)**

**Assemblyman DAVID P. RIBLE**

**District 30 (Monmouth and Ocean)**

**Assemblyman RONALD S. DANCER**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**Assemblyman DECLAN J. O'SCANLON, JR.**

**District 13 (Monmouth)**

**Assemblyman PARKER SPACE**

**District 24 (Morris, Sussex and Warren)**

**Assemblywoman GAIL PHOEBUS**

**District 24 (Morris, Sussex and Warren)**

**Co-Sponsored by:**

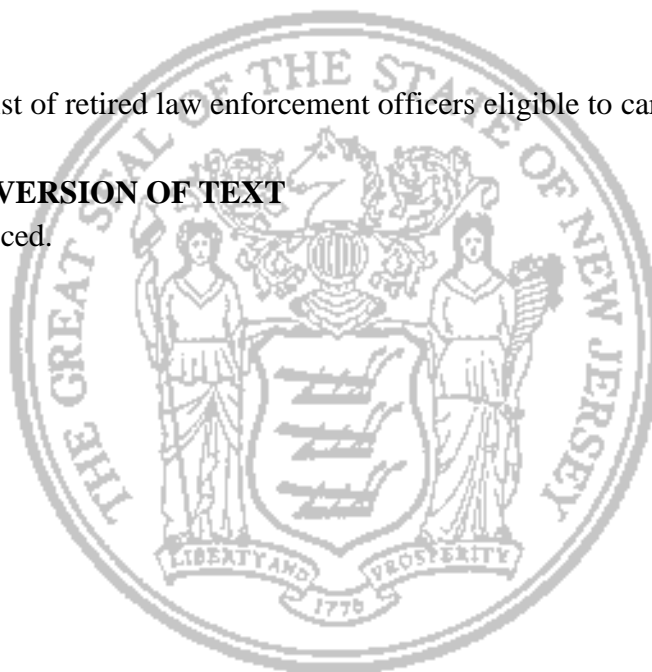
**Assemblyman McKeon**

**SYNOPSIS**

Expands list of retired law enforcement officers eligible to carry handgun.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/27/2016)**

1 AN ACT concerning handgun carry permits and amending  
2 N.J.S.2C:39-6.

3

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

6

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

8 2C:39-6. a. Provided a person complies with the requirements of  
9 subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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

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

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

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

29 (5) Except as hereinafter provided, a prison or jail warden of  
30 any penal institution in this State or his deputies, or an employee of  
31 the Department of Corrections engaged in the interstate  
32 transportation of convicted offenders, while in the performance of  
33 his duties, and when required to possess the weapon by his superior  
34 officer, or a corrections officer or keeper of a penal institution in  
35 this State at all times while in the State of New Jersey, provided he  
36 annually passes an examination approved by the superintendent  
37 testing his proficiency in the handling of 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 his official duties, to  
42 carry firearms, and who is authorized to carry **[such]** firearms by  
43 **[said]** the commanding officer, while in the actual performance of  
44 his official duties;

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

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

8 (c) An airport security officer or a special law enforcement  
9 officer appointed by the governing body of any county or  
10 municipality, except as provided in subsection (b) of this section, or  
11 by the commission, board or other body having control of a county  
12 park or airport or boulevard police force, while engaged in the  
13 actual performance of his official duties and when specifically  
14 authorized by the governing body to carry weapons;

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

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

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

47 (11) A county corrections officer at all times while in the State of  
48 New Jersey, provided he annually passes an examination approved

1 by the superintendent testing his proficiency in the handling of  
2 firearms.

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

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

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

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

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

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

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

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

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

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

41 (7) A humane law enforcement officer of the New Jersey  
42 Society for the Prevention of Cruelty to Animals or of a county  
43 society for the prevention of cruelty to animals, while in the actual  
44 performance of his duties;

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

47 (9) A railway policeman, except a transit police officer of the  
48 New Jersey Transit Police Department, at all times while in the

1 State of New Jersey, provided that he has passed an approved police  
2 academy training program consisting of at least 280 hours. The  
3 training program shall include, but need not be limited to, the  
4 handling of firearms, community relations, and 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 **【such】** the antique firearms are  
45 unloaded or are being fired for the purposes of exhibition or  
46 demonstration at an authorized target range or in **【such other】**  
47 another manner **【as has been】** approved in writing by the chief law  
48 enforcement officer of the municipality in which the exhibition or

1 demonstration is held, or if not held on property under the control  
2 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. Nor do those  
30 subsections 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 be  
36 construed to prevent a person keeping or carrying about his place of  
37 business, residence, premises or other land owned or possessed by  
38 him, any firearm, or from carrying the same, in the manner  
39 specified in subsection g. of this section, from any place of  
40 purchase to his residence or place of business, between his dwelling  
41 and his place of business, between one place of business or  
42 residence and another when moving, or between his dwelling or  
43 place of business and place where **such** the firearms are repaired,  
44 for the purpose of repair. For the purposes of this section, a place  
45 of business shall be deemed to be a fixed location.

46 f. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be  
47 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 **【such】** firearms **【as are】** necessary for **【said】** target  
5 practice, provided that the club has filed a copy of its charter with  
6 the superintendent and annually submits a list of its members to the  
7 superintendent and provided further that the firearms are carried in  
8 the manner 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 he has  
13 in his possession a valid hunting license, or, with respect to fresh  
14 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 his 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 **【such】** any reasonable safety regulations **【as】**  
36 the superintendent may promulgate. Any firearms transported  
37 pursuant to this section shall be transported in the manner specified  
38 in 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  
41 **【such vessel】** the aircraft or boat for the purpose of installation or  
42 repair a visual distress signaling device approved by the United  
43 States Coast Guard.

44 g. All weapons 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 **[such]** deviations as are  
2 reasonably 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 his 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 any  
23 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), while in the actual performance of the  
41 inspector's or investigator's duties, provided that the device does not  
42 exceed the size of those used by law enforcement.

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

47 **[Such]** The exempt person shall not possess or carry a firearm  
48 until the person has satisfactorily completed a firearms training

1 course and shall annually qualify in the use of a revolver or similar  
2 weapon. For purposes of this subsection, a "firearms training  
3 course" means a course of instruction in the safe use, maintenance  
4 and storage of firearms which is approved by the Police Training  
5 Commission. The commission shall approve a firearms training  
6 course if the requirements of the course are substantially equivalent  
7 to the requirements for firearms training provided by police training  
8 courses which are certified under section 6 of P.L.1961, c.56  
9 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3)  
10 or (6) of subsection a. of this section shall be exempt from the  
11 requirements of this subsection.

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

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

1 police officer or full-time university police officer exempted  
2 pursuant to paragraph (10) of subsection c. of this section; a full-  
3 time State conservation officer exempted pursuant to paragraph (4)  
4 of subsection a. of this section; a full-time Palisades Interstate Park  
5 officer appointed pursuant to R.S.32:14-21; a full-time county  
6 prosecutor's detective or investigator; a full-time federal law  
7 enforcement officer; or is a qualified retired law enforcement  
8 officer, as used in the federal "Law Enforcement Officers Safety  
9 Act of 2004," Pub.L. 108-277, domiciled in this State from carrying  
10 a handgun in the same manner as law enforcement officers  
11 exempted under paragraph (7) of subsection a. of this section under  
12 the conditions provided herein:

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

17 (2) Upon receipt of the written application of the retired law  
18 enforcement officer, the superintendent shall request a verification  
19 of service from the chief law enforcement officer of the  
20 organization in which the retired officer was last regularly  
21 employed as a full-time law enforcement officer prior to retiring.  
22 The verification of service shall include:

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

24 (b) The date that the retired officer was hired and the date that  
25 the officer retired;

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

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

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

31 (3) If the superintendent approves a retired officer's application  
32 or reapplication to carry a handgun pursuant to the provisions of  
33 this subsection, the superintendent shall notify in writing the chief  
34 law enforcement officer of the municipality wherein that retired  
35 officer resides. In the event the retired officer resides in a  
36 municipality which has no chief law enforcement officer or law  
37 enforcement agency, the superintendent shall maintain a record of  
38 the approval.

39 (4) The superintendent shall issue to an approved retired officer  
40 an identification card permitting the retired officer to carry a  
41 handgun pursuant to this subsection. This identification card shall  
42 be valid for one year from the date of issuance and shall be valid  
43 throughout the State. The identification card shall not be  
44 transferable to any other person. The identification card shall be  
45 carried at all times on the person of the retired officer while the  
46 retired officer is carrying a handgun. The retired officer shall  
47 produce the identification card for review on the demand of any law  
48 enforcement officer or authority.

1 (5) Any person aggrieved by the denial of the superintendent of  
2 approval for a permit to carry a handgun pursuant to this subsection  
3 may request a hearing in the Superior Court of New Jersey in the  
4 county in which he resides by filing a written request for **such** a  
5 hearing within 30 days of the denial. Copies of the request shall be  
6 served upon the superintendent and the county prosecutor. The  
7 hearing shall be held within 30 days of the filing of the request, and  
8 no formal pleading or filing fee shall be required. Appeals from the  
9 determination of **such a** the hearing shall be in accordance with  
10 law and the rules governing the courts of this State.

11 (6) A judge of the Superior Court may revoke a retired officer's  
12 privilege to carry a handgun pursuant to this subsection for good  
13 cause shown on the application of any interested person. A person  
14 who becomes subject to any of the disabilities set forth in  
15 subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the  
16 superintendent, his identification card issued under paragraph (4) of  
17 this subsection to the chief law enforcement officer of the  
18 municipality wherein he resides or the superintendent, and shall be  
19 permanently disqualified to carry a handgun under this subsection.

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

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

33 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall  
34 be construed to prevent duly authorized personnel of the New  
35 Jersey Division of Fish and Wildlife, while in the actual  
36 performance of duties, from possessing, transporting or using hand  
37 held pistol-like devices, rifles or shotguns that launch pyrotechnic  
38 missiles for the sole purpose of frightening, hazing or aversive  
39 conditioning of nuisance or depredating wildlife; from possessing,  
40 transporting or using rifles, pistols or similar devices for the sole  
41 purpose of chemically immobilizing wild or non-domestic animals;  
42 or, provided the duly authorized person complies with the  
43 requirements of subsection j. of this section, from possessing,  
44 transporting or using rifles or shotguns, upon completion of a Police  
45 Training Commission approved training course, in order to dispatch  
46 injured or dangerous animals or for non-lethal use for the purpose  
47 of frightening, hazing or aversive conditioning of nuisance or

1 depredate wildlife.  
2 (cf: P.L.2013, c.219, s.1)

3  
4 2. This act shall take effect immediately.

5  
6  
7  
8

STATEMENT

9 This bill expands the list of retired law enforcement officers who  
10 are eligible to receive a permit to carry a handgun. Under current  
11 law, certain retired law enforcement officers may annually apply for a  
12 permit to carry a handgun, until those officers reach age 75, at which  
13 time they are no longer eligible. The permit allows a retired law  
14 enforcement officer to carry a handgun at all times.

15 This bill expands the list of retired law enforcement officers eligible  
16 to receive a handgun carry permit to include: State park police  
17 officers; special agents of the Division of Taxation; Human  
18 Services police officers; New Jersey Transit police officers; campus  
19 police officers and university police officers employed by  
20 institutions of higher education; State conservation officers; and  
21 Palisades Interstate Park police officers.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 2690**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 2, 2016

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 2690.

As amended and reported by the committee, Assembly Bill No. 2690 expands the list of retired law enforcement officers who are eligible to receive a permit to carry a handgun. Under current law, certain retired law enforcement officers may annually apply for a permit to carry a handgun until those officers reach age 75, at which time they are no longer eligible. The permit allows a retired law enforcement officer to carry a handgun at all times.

This amended bill expands the list of retired law enforcement officers eligible to receive a handgun carry permit to include: State park police officers; special agents of the Division of Taxation; Human Services police officers; New Jersey Transit police officers; campus police officers employed by institutions of higher education; State conservation officers; Palisades Interstate Park police officers; and full-time Burlington County Bridge police officers.

#### COMMITTEE AMENDMENTS

The committee amended the bill to:

(1) add full-time Burlington County Bridge police officers to the list of retired law enforcement officers eligible to receive a handgun carry permit;

(2) remove from the bill's provisions a duplicative reference to retired full-time university police officers; and

(3) make technical corrections.

# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

[Second Reprint]

**ASSEMBLY, No. 2690**

# **STATE OF NEW JERSEY**

DATED: FEBRUARY 6, 2017

The Senate Law and Public Safety Committee reports favorably Assembly Bill No. 2690 (2R).

As reported by the committee, this bill expands the list of retired law enforcement officers who are eligible to receive a permit to carry a handgun.

Under current law, certain retired law enforcement officers may annually apply for a permit to carry a handgun, until those officers reach age 75, at which time they are no longer eligible. The permit allows these retired law enforcement officers to carry a handgun at all times. The retired police officers who currently are eligible for the permit include full-time: State Police officers; members of an interstate police force; members of a county or municipal police department in this State; members of State law enforcement agencies; county sheriffs, undersheriffs or sheriff's officers; State or county corrections officers; county park police officers; county prosecutor's detectives and investigators; and federal law enforcement officers.

This bill expands the list of retired law enforcement officers eligible to receive a handgun carry permit to include the following full-time officers: State park police officers; special agents of the Division of Taxation; Human Services police officers; New Jersey Transit police officers; campus police officers; State conservation officers; Palisades Interstate Park police officers; Burlington County Bridge police officers; housing authority police officers; juvenile corrections officers; parole officers; and railway police officers.

As reported by the committee, Assembly Bill No. 2690 (2R) is identical to Senate Bill No. 1944, which also was reported by the committee on this same date.

STATEMENT TO  
[First Reprint]  
**ASSEMBLY, No. 2690**

with Assembly Floor Amendments  
(Proposed by Assemblyman JOHNSON)

ADOPTED: JUNE 16, 2016

Assembly Bill No. 2690 (1R) expands the list of retired law enforcement officers eligible to receive a handgun carry permit to include: State park police officers; special agents of the Division of Taxation; Human Services police officers; New Jersey Transit police officers; campus police officers employed by institutions of higher education; State conservation officers; Palisades Interstate Park police officers; and Burlington County Bridge police officers.

These Assembly amendments further expand the list of retired law enforcement officers eligible to receive a handgun carry permit to include: housing authority police officers; juvenile corrections officers; parole officers; and railway policemen.

# SENATE, No. 1944

## STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED MARCH 14, 2016

**Sponsored by:**

**Senator GERALD CARDINALE**

**District 39 (Bergen and Passaic)**

**Senator JEFF VAN DREW**

**District 1 (Atlantic, Cape May and Cumberland)**

**SYNOPSIS**

Expands list of retired law enforcement officers eligible to carry handgun.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 9/27/2016)

1 AN ACT concerning handgun carry permits and amending  
2 N.J.S.2C:39-6.

3

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

6

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

8 2C:39-6. a. Provided a person complies with the requirements of  
9 subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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

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

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

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

29 (5) Except as hereinafter provided, a prison or jail warden of  
30 any penal institution in this State or his deputies, or an employee of  
31 the Department of Corrections engaged in the interstate  
32 transportation of convicted offenders, while in the performance of  
33 his duties, and when required to possess the weapon by his superior  
34 officer, or a corrections officer or keeper of a penal institution in  
35 this State at all times while in the State of New Jersey, provided he  
36 annually passes an examination approved by the superintendent  
37 testing his proficiency in the handling of 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 his official duties, to  
42 carry firearms, and who is authorized to carry **[such]** firearms by  
43 **[said]** the commanding officer, while in the actual performance of  
44 his official duties;

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

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

8 (c) An airport security officer or a special law enforcement  
9 officer appointed by the governing body of any county or  
10 municipality, except as provided in subsection (b) of this section, or  
11 by the commission, board or other body having control of a county  
12 park or airport or boulevard police force, while engaged in the  
13 actual performance of his official duties and when specifically  
14 authorized by the governing body to carry weapons;

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

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

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

47 (11) A county corrections officer at all times while in the State of  
48 New Jersey, provided he annually passes an examination approved

1 by the superintendent testing his proficiency in the handling of  
2 firearms.

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

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

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

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

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

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

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

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

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

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

41 (7) A humane law enforcement officer of the New Jersey  
42 Society for the Prevention of Cruelty to Animals or of a county  
43 society for the prevention of cruelty to animals, while in the actual  
44 performance of his duties;

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

47 (9) A railway policeman, except a transit police officer of the  
48 New Jersey Transit Police Department, at all times while in the

1 State of New Jersey, provided that he has passed an approved police  
2 academy training program consisting of at least 280 hours. The  
3 training program shall include, but need not be limited to, the  
4 handling of firearms, community relations, and 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 **【such】** the antique firearms are  
45 unloaded or are being fired for the purposes of exhibition or  
46 demonstration at an authorized target range or in **【such other】**  
47 another manner **【as has been】** approved in writing by the chief law  
48 enforcement officer of the municipality in which the exhibition or

1 demonstration is held, or if not held on property under the control  
2 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. Nor do those  
30 subsections 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 be  
36 construed to prevent a person keeping or carrying about his place of  
37 business, residence, premises or other land owned or possessed by  
38 him, any firearm, or from carrying the same, in the manner  
39 specified in subsection g. of this section, from any place of  
40 purchase to his residence or place of business, between his dwelling  
41 and his place of business, between one place of business or  
42 residence and another when moving, or between his dwelling or  
43 place of business and place where **[such]** the firearms are repaired,  
44 for the purpose of repair. For the purposes of this section, a place  
45 of business shall be deemed to be a fixed location.

46 f. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be  
47 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 **【such】** firearms **【as are】** necessary for **【said】** target  
5 practice, provided that the club has filed a copy of its charter with  
6 the superintendent and annually submits a list of its members to the  
7 superintendent and provided further that the firearms are carried in  
8 the manner 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 he has  
13 in his possession a valid hunting license, or, with respect to fresh  
14 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 his 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 **【such】** any reasonable safety regulations **【as】**  
36 the superintendent may promulgate. Any firearms transported  
37 pursuant to this section shall be transported in the manner specified  
38 in 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  
41 **【such vessel】** the aircraft or boat for the purpose of installation or  
42 repair a visual distress signaling device approved by the United  
43 States Coast Guard.

44 g. All weapons 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 **【such】** deviations as are  
2 reasonably 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 his 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 any  
23 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), while in the actual performance of the  
41 inspector's or investigator's duties, provided that the device does not  
42 exceed the size of those used by law enforcement.

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

47 **【Such】** The exempt person shall not possess or carry a firearm  
48 until the person has satisfactorily completed a firearms training

1 course and shall annually qualify in the use of a revolver or similar  
2 weapon. For purposes of this subsection, a "firearms training  
3 course" means a course of instruction in the safe use, maintenance  
4 and storage of firearms which is approved by the Police Training  
5 Commission. The commission shall approve a firearms training  
6 course if the requirements of the course are substantially equivalent  
7 to the requirements for firearms training provided by police training  
8 courses which are certified under section 6 of P.L.1961, c.56  
9 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3)  
10 or (6) of subsection a. of this section shall be exempt from the  
11 requirements of this subsection.

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

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

1 police officer or full-time university police officer exempted  
2 pursuant to paragraph (10) of subsection c. of this section; a full-  
3 time State conservation officer exempted pursuant to paragraph (4)  
4 of subsection a. of this section; a full-time Palisades Interstate Park  
5 officer appointed pursuant to R.S.32:14-21; a full-time county  
6 prosecutor's detective or investigator; a full-time federal law  
7 enforcement officer; or is a qualified retired law enforcement  
8 officer, as used in the federal "Law Enforcement Officers Safety  
9 Act of 2004," Pub.L. 108-277, domiciled in this State from carrying  
10 a handgun in the same manner as law enforcement officers  
11 exempted under paragraph (7) of subsection a. of this section under  
12 the conditions provided herein:

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

17 (2) Upon receipt of the written application of the retired law  
18 enforcement officer, the superintendent shall request a verification  
19 of service from the chief law enforcement officer of the  
20 organization in which the retired officer was last regularly  
21 employed as a full-time law enforcement officer prior to retiring.  
22 The verification of service shall include:

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

24 (b) The date that the retired officer was hired and the date that  
25 the officer retired;

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

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

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

31 (3) If the superintendent approves a retired officer's application  
32 or reapplication to carry a handgun pursuant to the provisions of  
33 this subsection, the superintendent shall notify in writing the chief  
34 law enforcement officer of the municipality wherein that retired  
35 officer resides. In the event the retired officer resides in a  
36 municipality which has no chief law enforcement officer or law  
37 enforcement agency, the superintendent shall maintain a record of  
38 the approval.

39 (4) The superintendent shall issue to an approved retired officer  
40 an identification card permitting the retired officer to carry a  
41 handgun pursuant to this subsection. This identification card shall  
42 be valid for one year from the date of issuance and shall be valid  
43 throughout the State. The identification card shall not be  
44 transferable to any other person. The identification card shall be  
45 carried at all times on the person of the retired officer while the  
46 retired officer is carrying a handgun. The retired officer shall  
47 produce the identification card for review on the demand of any law  
48 enforcement officer or authority.

1 (5) Any person aggrieved by the denial of the superintendent of  
2 approval for a permit to carry a handgun pursuant to this subsection  
3 may request a hearing in the Superior Court of New Jersey in the  
4 county in which he resides by filing a written request for [such] a  
5 hearing within 30 days of the denial. Copies of the request shall be  
6 served upon the superintendent and the county prosecutor. The  
7 hearing shall be held within 30 days of the filing of the request, and  
8 no formal pleading or filing fee shall be required. Appeals from the  
9 determination of [such a] the hearing shall be in accordance with  
10 law and the rules governing the courts of this State.

11 (6) A judge of the Superior Court may revoke a retired officer's  
12 privilege to carry a handgun pursuant to this subsection for good  
13 cause shown on the application of any interested person. A person  
14 who becomes subject to any of the disabilities set forth in  
15 subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the  
16 superintendent, his identification card issued under paragraph (4) of  
17 this subsection to the chief law enforcement officer of the  
18 municipality wherein he resides or the superintendent, and shall be  
19 permanently disqualified to carry a handgun under this subsection.

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

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

33 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall  
34 be construed to prevent duly authorized personnel of the New  
35 Jersey Division of Fish and Wildlife, while in the actual  
36 performance of duties, from possessing, transporting or using hand  
37 held pistol-like devices, rifles or shotguns that launch pyrotechnic  
38 missiles for the sole purpose of frightening, hazing or aversive  
39 conditioning of nuisance or depredating wildlife; from possessing,  
40 transporting or using rifles, pistols or similar devices for the sole  
41 purpose of chemically immobilizing wild or non-domestic animals;  
42 or, provided the duly authorized person complies with the  
43 requirements of subsection j. of this section, from possessing,  
44 transporting or using rifles or shotguns, upon completion of a Police  
45 Training Commission approved training course, in order to dispatch  
46 injured or dangerous animals or for non-lethal use for the purpose

1 of frightening, hazing or aversive conditioning of nuisance or  
2 depredating wildlife.

3 (cf: P.L.2013, c.219, s.1)

4

5 2. This act shall take effect immediately.

6

7

8

STATEMENT

9

10 This bill expands the list of retired law enforcement officers who  
11 are eligible to receive a permit to carry a handgun. Under current  
12 law, certain retired law enforcement officers may annually apply for a  
13 permit to carry a handgun, until those officers reach age 75, at which  
14 time they are no longer eligible. The permit allows a retired law  
15 enforcement officer to carry a handgun at all times.

16 This bill expands the list of retired law enforcement officers eligible  
17 to receive a handgun carry permit to include: State park police  
18 officers; special agents of the Division of Taxation; Human  
19 Services police officers; New Jersey Transit police officers; campus  
20 police officers and university police officers employed by  
21 institutions of higher education; State conservation officers; and  
22 Palisades Interstate Park police officers.

# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### **SENATE, No. 1944**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: FEBRUARY 6, 2017

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 1944.

As amended and reported by the committee, Senate Bill No. 1944 expands the list of retired law enforcement officers who are eligible to receive a permit to carry a handgun.

Under current law, certain retired law enforcement officers may annually apply for a permit to carry a handgun, until those officers reach age 75, at which time they are no longer eligible. The permit allows these retired law enforcement officers to carry a handgun at all times. The retired police officers who currently are eligible for the permit include full-time: State Police officers; members of an interstate police force; members of a county or municipal police department in this State; members of State law enforcement agencies; county sheriffs, undersheriffs or sheriff's officers; State or county corrections officers; county park police officers; county prosecutor's detectives and investigators; and federal law enforcement officers.

This amended bill expands the list of retired law enforcement officers eligible to receive a handgun carry permit to include the following full-time officers: State park police officers; special agents of the Division of Taxation; Human Services police officers; New Jersey Transit police officers; campus police officers; State conservation officers; Palisades Interstate Park police officers; Burlington County Bridge police officers; housing authority police officers; juvenile corrections officers; parole officers; and railway police officers.

As amended and reported by the committee, Senate Bill No. 1944 is identical to Assembly Bill No. 2690 (2R), which also was reported by the committee on this same date.

#### COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) expand the categories of retired police officers included in the bill; to include Burlington County Bridge police officers; housing authority police officers; juvenile corrections officers; parole officers; and railway police officers; and

(2) make technical and clarifying amendments.

## Governor Christie Takes Action On Pending Legislation

Thursday, July 13, 2017

Tags: [Bill Action](#)

Trenton, NJ - Governor Chris Christie today announced that he has taken action on the following pending legislation:

### **BILL SIGNINGS:**

**S-1451/A-3856 (Ruiz, Allen/Holley, McKnight, Singleton)** - Directs DOE to make database of special education decisions available on website

**S-2059/A-3769 (Weinberg/Vainieri Huttie, Mukherji)** - Requires DOH to ensure that fetal death certification and reporting requirements are consistent with current federal standards

**S-2348/A-3799 (Ruiz, Diegnan/Lampitt, Vainieri Huttie, Muoio, Oliver, Mosquera, DiMaio, McKnight, Mukherji)** - Includes students who participate in school intramural sports programs in the student-athlete head injury safety program

**S-2492/A-4091 (Gordon, O'Toole/Eustace, Chiaravalloti, Mukherji, Benson, Jasey)** - Enhances resident voting participation rights in common interest communities

**S-2878/A-4523 (Vitale, Codey/Schaer, Singleton, Vainieri Huttie, Pinkin)** - Requires DOH to permit certain health care facilities to use shared clinical space when providing primary health care and behavioral health care for mild to moderate behavioral health conditions

**SJR-50/AJR-69 (Weinberg, Gordon/DiMaio, Pinkin, Quijano)** - Designates April as "Genocide Awareness Month"

**SJR-62/AJR-96 (Codey/Eustace, Lampitt, Pinkin, Mukherji, Jones, Downey, Rooney)** - Designates month of May of each year as "Mental Health Awareness Month"

**A-374/S-2462 (Auth, Prieto, Schepisi, Jimenez, Mukherji/Sacco, Cruz-Perez)** - Prohibits MVC from imposing duplicate license or identification card fee and digitized picture fee if duplicate is requested to reflect change in organ donor status

**A-2181/S-2809 (Caride, Schaer/Sarlo)** - Prohibits NJTA from requiring county guarantee to provide maintenance of pedestrian bridge under certain circumstances when determining approval for construction of pedestrian bridge

**A-2690/S-1944 (Johnson, Rible, Dancer, O'Scanlon, Space, Phoebus/Cardinale, Van Drew)** - Expands list of retired law enforcement officers eligible to carry handgun

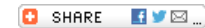
**A-4334/S-2724 (Conaway, Pinkin/Codey, Vitale)** - Requires alternative payment models to register with DOH; permits health care practitioners to refer patients to health care service in which the practitioner has beneficial interest when related to alternative payment model

**A-4350/S-2914 (Eustace, Karabinchak/Greenstein)** - Precludes DEP from imposing certain certification requirements on installers of individual subsurface sewage disposal systems

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### More Information

[Senate Bill 587](#)

[Senate Bill 677](#)

[Senate Bill 806](#)

[Senate Bill 3006](#)

[ASSEMBLY BILL NO. 1855](#)

[ASSEMBLY BILL NO. 4701](#)

**A-4583/S-2991 (Zwicker, Conaway, Land, Downey, Houghtaling/Turner, T. Kean)** - Appropriates \$2,988,859 from 2009 Historic Preservation Fund and constitutionally dedicated CBT revenues to provide capital preservation grants for certain historic preservation projects

**AJR-27/SJR-59 (Muio, Gusciora, Benson, Eustace, Pinkin, Sumter, Mukherji/Turner)** - Designates May of each year as "Asthma Awareness Month"

**BILLS VETOED:**

**S-587/A-2937 (Cunningham/Sumter, Mukherji, Quijano) – ABSOLUTE** - Requires incarcerated individual from State to be counted at residential address for legislative redistricting purposes

**S-677/A-3677 (Rice, Turner/Wimberly, Singleton, Holley, Tucker, Sumter, Quijano) – CONDITIONAL** - Requires racial and ethnic impact statement for certain bills and regulations affecting sentencing

**S-806/A-2463 (Weinberg, Gordon/Eustace, Vainieri Huttie, Caride, Muio, Lagana, Lampitt, Mukherji) – CONDITIONAL** - Requires owner or operator of certain trains to have discharge response, cleanup, and contingency plans to transport certain hazardous materials by rail; requires NJ DOT to request bridge inspection reports from US DOT

**S-3006/A-4589 (Weinberg, Gordon/Vainieri Huttie, Quijano, Wisniewski, Johnson, Mukherji) – ABSOLUTE** - Prohibits PANYNJ from providing assistance for enforcement of March 6, 2017 US Executive Order banning entry into US of individuals from certain countries

**A-1855/S-3123 (Wimberly, Prieto, Oliver, Sumter/Cruz-Perez, Cunningham) – CONDITIONAL** - Concerns outreach and training for minorities and women in the construction industry

**A-4701/S-3059 (Eustace, Zwicker, Vainieri Huttie, Gusciora, Kennedy, Benson, Jasey/Sweeney, Smith) – ABSOLUTE** - Requires State full participation in Regional Greenhouse Gas Initiative

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