



**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

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

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

**HEARINGS:**

**NEWSPAPER ARTICLES:** Yes

"With pen, Murphy tightens gun rules – 'common sense' laws fulfill campaign promise," The Record, 6-14-2018

"Murphy signs six gun-control bills into law - He vows N.J. to be a leader in fight for firearms safety," South Jersey Times, 6-14-2018

"Murphy signs 6 gun-control bills into law - He vows Jersey to be a leader in fight for firearms safety," The Times, 6-14-2018

"Governor set to sign 6 gun-control measures in New Jersey," Associated Press State Wire: New Jersey, 6-13-2018

"Governor signs 6 gun control measures in New Jersey," Associated Press State Wire: New Jersey, 6-13-2018

"The Latest: Gov signs 6 gun control measures in New Jersey," Associated Press State Wire: New Jersey, 6-13-2018

RWH

P.L. 2018, CHAPTER 37, *approved June 13, 2018*  
Assembly, No. 2758

1 AN ACT concerning handgun carry permits and amending  
2 N.J.S.2C:58-4.

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:58-4 is amended to read as follows:

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

15 All permits to carry handguns shall expire **[2]** two years from  
16 the date of issuance or, in the case of an employee of an armored  
17 car company, upon termination of his employment by the company  
18 occurring prior thereto whichever is earlier in time, and they may  
19 thereafter be renewed every **[2]** two years in the same manner and  
20 subject to the same conditions as in the case of original  
21 applications.

22 b. Application forms. All applications for permits to carry  
23 handguns, and all applications for renewal of **[such]** permits, shall  
24 be made on the forms prescribed by the superintendent. Each  
25 application shall set forth the full name, date of birth, sex,  
26 residence, occupation, place of business or employment, and  
27 physical description of the applicant, and **[such]** any other  
28 information **[as]** the superintendent may prescribe for the  
29 determination of the applicant's eligibility for a permit and for the  
30 proper enforcement of this chapter. The application shall be signed  
31 by the applicant under oath, and shall be indorsed by three reputable  
32 persons who have known the applicant for at least **[3]** three years  
33 preceding the date of application, and who shall certify thereon that  
34 the applicant is a person of good moral character and behavior.

35 c. Investigation and approval. Each application shall in the  
36 first instance be submitted to the chief police officer of the  
37 municipality in which the applicant resides, or to the  
38 superintendent, (1) if the applicant is an employee of an armored  
39 car company, or (2) if there is no chief police officer in the  
40 municipality where the applicant resides, or (3) if the applicant does  
41 not reside in this State. The chief police officer, or the

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

**Matter underlined thus is new matter.**

1 superintendent, as the case may be, shall cause the fingerprints of  
2 the applicant to be taken and compared with any and all records  
3 maintained by the municipality, the county in which it is located,  
4 the State Bureau of Identification and the Federal Bureau of  
5 Identification. He shall also determine and record a complete  
6 description of each handgun the applicant intends to carry.

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

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

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

27 d. Issuance by Superior Court; fee. If the application has been  
28 approved by the chief police officer or the superintendent, as the  
29 case may be, the applicant shall forthwith present it to the Superior  
30 Court of the county in which the applicant resides, or to the  
31 Superior Court in any county where he intends to carry a handgun,  
32 in the case of a nonresident or employee of an armored car  
33 company. The court shall issue the permit to the applicant if, but  
34 only if, it is satisfied that the applicant is a person of good character  
35 who is not subject to any of the disabilities set forth in ~~【section~~  
36 ~~2C:58-3c.】~~ subsection c. of N.J.S.2C:58-3, that he is thoroughly  
37 familiar with the safe handling and use of handguns, and that he has  
38 a justifiable need to carry a handgun in accordance with the  
39 provisions of subsection c. of this section. The court may at its  
40 discretion issue a limited-type permit which would restrict the  
41 applicant as to the types of handguns he may carry and where and  
42 for what purposes ~~【such】~~ the handguns may be carried. At the time  
43 of issuance, the applicant shall pay to the county clerk of the county  
44 where the permit was issued a permit fee of ~~【\$20.00】~~ \$20.

45 e. Appeals from denial of applications. Any person aggrieved  
46 by the denial by the chief police officer or the superintendent of  
47 approval for a permit to carry a handgun may request a hearing in

1 the Superior Court of the county in which he resides or in any  
2 county in which he intends to carry a handgun, in the case of a  
3 nonresident, by filing a written request for **[such]** a hearing within  
4 30 days of the denial. Copies of the request shall be served upon  
5 the superintendent, the county prosecutor, and the chief police  
6 officer of the municipality where the applicant resides, if he is a  
7 resident of this State. The hearing shall be held within 30 days of  
8 the filing of the request, and no formal pleading or filing fee shall  
9 be required. Appeals from the determination at **[such]** **[a]** the  
10 hearing shall be in accordance with law and the rules governing the  
11 courts of this State.

12 If the superintendent or chief police officer approves an  
13 application and the Superior Court denies the application and  
14 refuses to issue a permit, the applicant may appeal **[such]** the  
15 denial in accordance with law and the rules governing the courts of  
16 this State.

17 f. Revocation of permits. Any permit issued under this section  
18 shall be void at **[such]** the time **[as]** the holder thereof becomes  
19 subject to any of the disabilities set forth in **[section 2C:58-3c.]**  
20 subsection c. of N.J.S.2C:58-3, and the holder of **[such]** a void  
21 permit shall immediately surrender the permit to the superintendent  
22 who shall give notice to the licensing authority.

23 Any permit may be revoked by the Superior Court, after hearing  
24 upon notice to the holder, if the court finds that the holder is no  
25 longer qualified for the issuance of **[such]** a permit. The county  
26 prosecutor of any county, the chief police officer of any  
27 municipality, the superintendent, or any citizen may apply to the  
28 court at any time for the revocation of any permit issued pursuant to  
29 this section.

30 (cf: P.L.1981, c.135, s.1)

31

32 2. This act shall take effect immediately.

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#### STATEMENT

36

37 This bill codifies the definition of justifiable need to carry a  
38 handgun as set forth in the New Jersey Administrative Code.

39 Under current law, in order to lawfully carry a handgun in  
40 public, it is necessary for a private citizen to obtain a permit to  
41 carry a handgun. Applicants for a permit to carry a handgun need  
42 the approval of the chief of police in the municipality where they  
43 reside and the approval of a Superior Court judge in the county  
44 where they reside. Approval is contingent upon a person  
45 submitting, with an application, a written certification establishing  
46 justifiable need.

1 Under current regulations (N.J.A.C.13:54-2.4), justifiable need is  
2 defined as the urgent necessity for self-protection, as evidenced by  
3 specific threats or previous attacks which demonstrate a special  
4 danger to the applicant's life that cannot be avoided by means other  
5 than by issuance of a permit to carry. This bill codifies this  
6 definition in statute.

7 The Department of Law and Public Safety has adopted an  
8 amendment to N.J.A.C.13:54-2.4 that added "serious threats" to the  
9 circumstances that could demonstrate a special danger to the  
10 applicant's life that could be specified in the written certification of  
11 justifiable need. In addition, the revised regulation also specifies  
12 that a permit to carry a handgun can be issued based on a special  
13 danger to the applicant's life that cannot be avoided by other  
14 "reasonable" means.

15 According to the sponsor, current law and judicial interpretations  
16 of the justifiable need standard clearly require demonstration of an  
17 urgent necessity for protection from a specific threat to one's life  
18 rather than a mere generalized fear or concern. Therefore, the  
19 revision to N.J.A.C.13:54-2.4, which expands the scope of the right  
20 to carry well beyond that authorized under current law and judicial  
21 interpretation, is inconsistent with the Legislature's intent to strictly  
22 limit who carries a handgun outside the home in this State. If  
23 enacted, the bill would negate this regulation.

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Codifies regulations defining justifiable need to carry handgun.

# ASSEMBLY, No. 2758

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

**Sponsored by:**

**Assemblyman LOUIS D. GREENWALD**

**District 6 (Burlington and Camden)**

**Assemblyman JAMEL C. HOLLEY**

**District 20 (Union)**

**Assemblyman PAUL D. MORIARTY**

**District 4 (Camden and Gloucester)**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

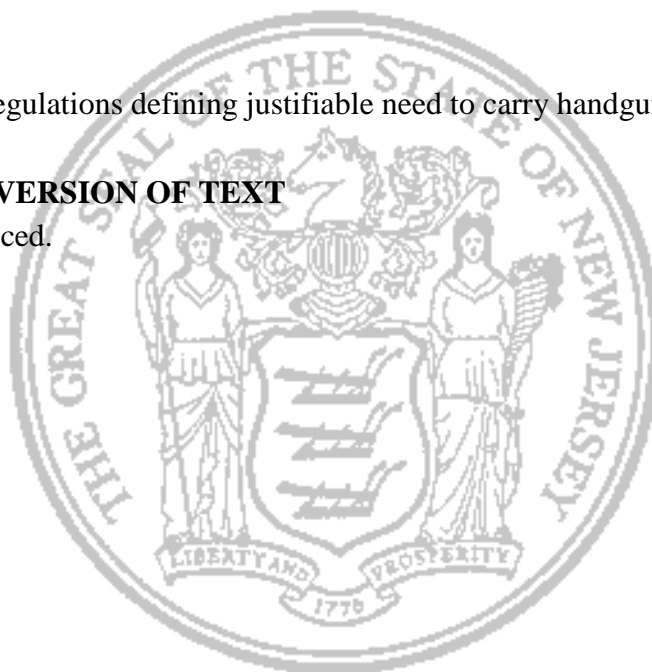
**Assemblyman Caputo, Assemblywomen Vainieri Huttle, Downey, Assemblymen Houghtaling, Benson, Assemblywomen Murphy, Jasey, McKnight, Lampitt, Assemblyman Chiaravalloti, Assemblywoman Mosquera, Assemblyman Gusciora, Assemblywoman Pinkin and Senator Turner**

**SYNOPSIS**

Codifies regulations defining justifiable need to carry handgun.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/8/2018)**

A2758 GREENWALD, HOLLEY

2

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11 State, except as prohibited by **[section 2C:39-5e]** subsection e. of  
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13 owned by the holder thereof, but the permit shall apply only to a  
14 handgun carried by the actual and legal holder of the permit.

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16 the date of issuance or, in the case of an employee of an armored  
17 car company, upon termination of his employment by the company  
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34 the applicant is a person of good moral character and behavior.

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12 denial in accordance with law and the rules governing the courts of  
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14 f. Revocation of permits. Any permit issued under this section  
15 shall be void at **such** the time **as** the holder thereof becomes  
16 subject to any of the disabilities set forth in **section 2C:58-3c.**  
17 subsection c. of N.J.S.2C:58-3, and the holder of **such** a void  
18 permit shall immediately surrender the permit to the superintendent  
19 who shall give notice to the licensing authority.

20 Any permit may be revoked by the Superior Court, after hearing  
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27 (cf: P.L.1981, c.135, s.1)

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#### STATEMENT

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37 public, it is necessary for a private citizen to obtain a permit to  
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2 definition in statute.

3 The Department of Law and Public Safety has adopted an  
4 amendment to N.J.A.C.13:54-2.4 that added “serious threats” to the  
5 circumstances that could demonstrate a special danger to the  
6 applicant’s life that could be specified in the written certification of  
7 justifiable need. In addition, the revised regulation also specifies  
8 that a permit to carry a handgun can be issued based on a special  
9 danger to the applicant’s life that cannot be avoided by other  
10 “reasonable” means.

11 According to the sponsor, current law and judicial interpretations  
12 of the justifiable need standard clearly require demonstration of an  
13 urgent necessity for protection from a specific threat to one’s life  
14 rather than a mere generalized fear or concern. Therefore, the  
15 revision to N.J.A.C.13:54-2.4, which expands the scope of the right  
16 to carry well beyond that authorized under current law and judicial  
17 interpretation, is inconsistent with the Legislature’s intent to strictly  
18 limit who carries a handgun outside the home in this State. If  
19 enacted, the bill would negate this regulation.

# ASSEMBLY JUDICIARY COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 2758

# STATE OF NEW JERSEY

DATED: FEBRUARY 28, 2018

The Assembly Judiciary Committee reports favorably Assembly Bill No. 2758.

As reported by the committee, Assembly Bill No. 2758 codifies the definition of “justifiable need to carry a handgun” that was set forth in the New Jersey Administrative Code prior to amendments being adopted by the Department of Law and Public Safety in April 2017.

Under current law, in order to lawfully carry a handgun in public, it is necessary for a private citizen to obtain a permit to carry a handgun. Applicants for a permit to carry a handgun need the approval of the chief of police in the municipality where they reside and the approval of a Superior Court judge in the county where they reside. Approval is contingent upon a person submitting, with an application, a written certification establishing “justifiable need.”

“Justifiable need” is currently defined in the New Jersey Administrative Code at N.J.A.C.13:54-2.4. In its current form, this definition reflects amendments to that section which became effective on April 3, 2017. These amendments expanded the scope of the justifiable need standard beyond that which was required by the standard established under the prior definition and the judicial interpretation of that standard.

There were several legal challenges to the justifiable need standard, as defined prior to adoption of the amendments, including arguments that the standard violated the right to bear arms under the Second Amendment of the United States Constitution. Both State and federal courts upheld the constitutionality of the State’s justifiable need requirement, as defined prior to adoption of the amendments, and the United States Supreme Court denied certiorari on the constitutional challenge.

Prior to the April 3rd adoption of the amendments, New Jersey law defined “justifiable need” as “the urgent necessity for self-protection, as evidenced by *specific threats or previous attacks which demonstrate a special danger to the applicant's life that cannot be avoided by means other than by issuance of a permit to carry a handgun.*” In addition, the law required the applicant, where possible, to corroborate the existence of any specific threats or previous attacks by reference to reports of the incidents to the appropriate law enforcement agencies.” This bill codifies this definition in statute.

The amendments to N.J.A.C.13:54-2.4 that were adopted in April, 2017 add “*serious threats*” to the circumstances that may demonstrate a special danger to the applicant’s life that could be specified in the written certification of justifiable need. In addition, the revised regulation also specifies that a permit to carry a handgun can be issued based on a special danger to the applicant’s life that cannot be avoided by other “*reasonable*” means other than by issuance of a permit to carry a handgun.

In response to the proposed amendments, the New Jersey Legislature adopted two concurrent resolutions opposing their adoption on the basis that the amendments were inconsistent with legislative intent. The amendments were adopted on April 3, 2017, and the Legislature filed a lawsuit in the Appellate Division of the Superior Court challenging the validity of the amendments. The State Attorney General recently withdrew its opposition to the lawsuit challenging the validity of the amendments.

# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 2758

# STATE OF NEW JERSEY

DATED: APRIL 16, 2018

The Senate Law and Public Safety Committee reports favorably Assembly Bill No. 2758.

As reported by the committee, this bill codifies the definition of “justifiable need to carry a handgun” that was set forth in the New Jersey Administrative Code prior to amendments being adopted by the Department of Law and Public Safety in April 2017.

Under current law, in order to lawfully carry a handgun in public, it is necessary for a private citizen to obtain a permit to carry a handgun. Applicants for a permit to carry a handgun need the approval of the chief of police in the municipality where they reside and the approval of a Superior Court judge in the county where they reside. Approval is contingent upon a person submitting, with an application, a written certification establishing “justifiable need.”

Prior to the adoption of the amendment to the New Jersey Administrative Code, specifically N.J.A.C.13:54-2.4, in April 2017, “justifiable need” was defined as “the urgent necessity for self-protection, as evidenced by specific threats or previous attacks which demonstrate a special danger to the applicant's life that cannot be avoided by means other than by issuance of a permit to carry a handgun.” This bill codifies this definition in statute.

In April 2017, the Department of Law and Public Safety adopted an amendment to this regulation that added “serious threats” to the circumstances that may demonstrate a special danger to the applicant’s life that could be specified in the written certification of justifiable need. In addition, the revised regulation also specifies that a permit to carry a handgun can be issued based on a special danger to the applicant’s life that cannot be avoided by other “reasonable” means. If enacted, this bill would negate this regulation.

As reported by the committee, Assembly Bill No. 2758 is identical to Senate Bill No. 2376, which also was reported by the committee on this date.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 2758

# STATE OF NEW JERSEY

DATED: MAY 21, 2018

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 2758.

This bill codifies the definition of “justifiable need to carry a handgun” that was set forth in the New Jersey Administrative Code prior to amendments being adopted by the Department of Law and Public Safety in April 2017.

Under current law, in order to lawfully carry a handgun in public, it is necessary for a private citizen to obtain a permit to carry a handgun. Applicants for a permit to carry a handgun need the approval of the chief of police in the municipality where they reside and the approval of a Superior Court judge in the county where they reside. Approval is contingent upon a person submitting, with an application, a written certification establishing “justifiable need.”

Prior to the adoption of the amendment to the New Jersey Administrative Code, specifically N.J.A.C.13:54-2.4, in April 2017, “justifiable need” was defined as “the urgent necessity for self-protection, as evidenced by specific threats or previous attacks which demonstrate a special danger to the applicant's life that cannot be avoided by means other than by issuance of a permit to carry a handgun.” This bill codifies this definition in statute.

In April 2017, the Department of Law and Public Safety adopted an amendment to this regulation that added “serious threats” to the circumstances that may demonstrate a special danger to the applicant’s life that could be specified in the written certification of justifiable need. In addition, the revised regulation also specifies that a permit to carry a handgun can be issued based on a special danger to the applicant’s life that cannot be avoided by other “reasonable” means. If enacted, this bill would negate this regulation.

As reported, this bill is identical to Senate Bill No. 2376, as also reported by the committee.

#### FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

**SENATE, No. 2376**

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**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

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INTRODUCED APRIL 5, 2018

**Sponsored by:**

**Senator LINDA R. GREENSTEIN**  
**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

**Senator Turner**

**SYNOPSIS**

Codifies regulations defining justifiable need to carry handgun.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 4/13/2018)**

1 AN ACT concerning handgun carry permits and amending  
2 N.J.S.2C:58-4.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State  
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26 residence, occupation, place of business or employment, and  
27 physical description of the applicant, and **[such]** any other  
28 information **[as]** the superintendent may prescribe for the  
29 determination of the applicant's eligibility for a permit and for the  
30 proper enforcement of this chapter. The application shall be signed  
31 by the applicant under oath, and shall be indorsed by three reputable  
32 persons who have known the applicant for at least **[3]** three years  
33 preceding the date of application, and who shall certify thereon that  
34 the applicant is a person of good moral character and behavior.

35 c. Investigation and approval. Each application shall in the  
36 first instance be submitted to the chief police officer of the  
37 municipality in which the applicant resides, or to the  
38 superintendent, (1) if the applicant is an employee of an armored  
39 car company, or (2) if there is no chief police officer in the  
40 municipality where the applicant resides, or (3) if the applicant does  
41 not reside in this State. The chief police officer, or the  
42 superintendent, as the case may be, shall cause the fingerprints of  
43 the applicant to be taken and compared with any and all records  
44 maintained by the municipality, the county in which it is located,

**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 the State Bureau of Identification and the Federal Bureau of  
2 Identification. He shall also determine and record a complete  
3 description of each handgun the applicant intends to carry.

4 No application shall be approved by the chief police officer or  
5 the superintendent unless the applicant demonstrates that he is not  
6 subject to any of the disabilities set forth in ~~2C:58-3c.~~ subsection  
7 c. of N.J.S.2C:58-3, that he is thoroughly familiar with the safe  
8 handling and use of handguns, and that he has a justifiable need to  
9 carry a handgun.

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

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

24 d. Issuance by Superior Court; fee. If the application has been  
25 approved by the chief police officer or the superintendent, as the  
26 case may be, the applicant shall forthwith present it to the Superior  
27 Court of the county in which the applicant resides, or to the  
28 Superior Court in any county where he intends to carry a handgun,  
29 in the case of a nonresident or employee of an armored car  
30 company. The court shall issue the permit to the applicant if, but  
31 only if, it is satisfied that the applicant is a person of good character  
32 who is not subject to any of the disabilities set forth in ~~section~~  
33 ~~2C:58-3c.~~ subsection c. of N.J.S.2C:58-3, that he is thoroughly  
34 familiar with the safe handling and use of handguns, and that he has  
35 a justifiable need to carry a handgun in accordance with the  
36 provisions of subsection c. of this section. The court may at its  
37 discretion issue a limited-type permit which would restrict the  
38 applicant as to the types of handguns he may carry and where and  
39 for what purposes ~~such~~ the handguns may be carried. At the time  
40 of issuance, the applicant shall pay to the county clerk of the county  
41 where the permit was issued a permit fee of ~~[\$20.00]~~ \$20.

42 e. Appeals from denial of applications. Any person aggrieved  
43 by the denial by the chief police officer or the superintendent of  
44 approval for a permit to carry a handgun may request a hearing in  
45 the Superior Court of the county in which he resides or in any  
46 county in which he intends to carry a handgun, in the case of a  
47 nonresident, by filing a written request for ~~such~~ a hearing within

1 30 days of the denial. Copies of the request shall be served upon  
2 the superintendent, the county prosecutor, and the chief police  
3 officer of the municipality where the applicant resides, if he is a  
4 resident of this State. The hearing shall be held within 30 days of  
5 the filing of the request, and no formal pleading or filing fee shall  
6 be required. Appeals from the determination at **such** **a** the  
7 hearing shall be in accordance with law and the rules governing the  
8 courts of this State.

9 If the superintendent or chief police officer approves an  
10 application and the Superior Court denies the application and  
11 refuses to issue a permit, the applicant may appeal **such** the  
12 denial in accordance with law and the rules governing the courts of  
13 this State.

14 f. Revocation of permits. Any permit issued under this section  
15 shall be void at **such** the time **as** the holder thereof becomes  
16 subject to any of the disabilities set forth in **section 2C:58-3c.**  
17 subsection c. of N.J.S.2C:58-3, and the holder of **such** a void  
18 permit shall immediately surrender the permit to the superintendent  
19 who shall give notice to the licensing authority.

20 Any permit may be revoked by the Superior Court, after hearing  
21 upon notice to the holder, if the court finds that the holder is no  
22 longer qualified for the issuance of **such** a permit. The county  
23 prosecutor of any county, the chief police officer of any  
24 municipality, the superintendent, or any citizen may apply to the  
25 court at any time for the revocation of any permit issued pursuant to  
26 this section.

27 (cf: P.L.1981, c.135, s.1)

28

29 2. This act shall take effect immediately.

30

31

32

#### STATEMENT

33

34 This bill codifies the definition of justifiable need to carry a  
35 handgun as set forth in the New Jersey Administrative Code.

36 Under current law, in order to lawfully carry a handgun in  
37 public, it is necessary for a private citizen to obtain a permit to  
38 carry a handgun. Applicants for a permit to carry a handgun need  
39 the approval of the chief of police in the municipality where they  
40 reside and the approval of a Superior Court judge in the county  
41 where they reside. Approval is contingent upon a person  
42 submitting, with an application, a written certification establishing  
43 justifiable need.

44 Under current regulations (N.J.A.C.13:54-2.4), justifiable need is  
45 defined as the urgent necessity for self-protection, as evidenced by  
46 specific threats or previous attacks which demonstrate a special  
47 danger to the applicant's life that cannot be avoided by means other

1 than by issuance of a permit to carry. This bill codifies this  
2 definition in statute.

3 The Department of Law and Public Safety has adopted an  
4 amendment to N.J.A.C.13:54-2.4 that added “serious threats” to the  
5 circumstances that could demonstrate a special danger to the  
6 applicant’s life that could be specified in the written certification of  
7 justifiable need. In addition, the revised regulation also specifies  
8 that a permit to carry a handgun can be issued based on a special  
9 danger to the applicant’s life that cannot be avoided by other  
10 “reasonable” means.

11 According to the sponsor, current law and judicial interpretations  
12 of the justifiable need standard clearly require demonstration of an  
13 urgent necessity for protection from a specific threat to one’s life  
14 rather than a mere generalized fear or concern. Therefore, the  
15 revision to N.J.A.C.13:54-2.4, which expands the scope of the right  
16 to carry well beyond that authorized under current law and judicial  
17 interpretation, is inconsistent with the Legislature’s intent to strictly  
18 limit who carries a handgun outside the home in this State. If  
19 enacted, the bill would negate this regulation.

# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### SENATE, No. 2376

# STATE OF NEW JERSEY

DATED: APRIL 16, 2018

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 2376.

As reported by the committee, this bill codifies the definition of “justifiable need to carry a handgun” that was set forth in the New Jersey Administrative Code prior to amendments being adopted by the Department of Law and Public Safety in April 2017.

Under current law, in order to lawfully carry a handgun in public, it is necessary for a private citizen to obtain a permit to carry a handgun. Applicants for a permit to carry a handgun need the approval of the chief of police in the municipality where they reside and the approval of a Superior Court judge in the county where they reside. Approval is contingent upon a person submitting, with an application, a written certification establishing “justifiable need.”

Prior to the adoption of the amendment to the New Jersey Administrative Code, specifically N.J.A.C.13:54-2.4, in April 2017, “justifiable need” was defined as “the urgent necessity for self-protection, as evidenced by specific threats or previous attacks which demonstrate a special danger to the applicant's life that cannot be avoided by means other than by issuance of a permit to carry a handgun.” This bill codifies this definition in statute.

In April 2017, the Department of Law and Public Safety adopted an amendment to this regulation that added “serious threats” to the circumstances that may demonstrate a special danger to the applicant’s life that could be specified in the written certification of justifiable need. In addition, the revised regulation also specifies that a permit to carry a handgun can be issued based on a special danger to the applicant’s life that cannot be avoided by other “reasonable” means. If enacted, this bill would negate this regulation.

As reported by the committee, Senate Bill No. 2376 is identical to Assembly Bill No. 2758, which also was reported by the committee on this date.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### SENATE, No. 2376

# STATE OF NEW JERSEY

DATED: MAY 21, 2018

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2376.

This bill codifies the definition of “justifiable need to carry a handgun” that was set forth in the New Jersey Administrative Code prior to amendments being adopted by the Department of Law and Public Safety in April 2017.

Under current law, in order to lawfully carry a handgun in public, it is necessary for a private citizen to obtain a permit to carry a handgun. Applicants for a permit to carry a handgun need the approval of the chief of police in the municipality where they reside and the approval of a Superior Court judge in the county where they reside. Approval is contingent upon a person submitting, with an application, a written certification establishing “justifiable need.”

Prior to the adoption of the amendment to the New Jersey Administrative Code, specifically N.J.A.C.13:54-2.4, in April 2017, “justifiable need” was defined as “the urgent necessity for self-protection, as evidenced by specific threats or previous attacks which demonstrate a special danger to the applicant's life that cannot be avoided by means other than by issuance of a permit to carry a handgun.” This bill codifies this definition in statute.

In April 2017, the Department of Law and Public Safety adopted an amendment to this regulation that added “serious threats” to the circumstances that may demonstrate a special danger to the applicant’s life that could be specified in the written certification of justifiable need. In addition, the revised regulation also specifies that a permit to carry a handgun can be issued based on a special danger to the applicant’s life that cannot be avoided by other “reasonable” means. If enacted, this bill would negate this regulation.

As reported, this bill is identical to Assembly Bill No. 2758, as also reported by the committee.

#### FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.



## Newark, N.J.

# Governor Murphy Toughens New Jersey's Gun Laws by Signing Safety Measures to Protect Children and Families

06/13/2018

**TRENTON** - Governor Phil Murphy today signed a package of common-sense gun safety bills that make New Jersey among the states with the strongest and most formidable gun laws in the nation. More than 2,000 shootings occur annually in New Jersey, with around 500 firearm-related deaths each year. Firearm-related violence costs the state's economy approximately \$1.2 billion annually, and directly costs taxpayers nearly \$275 million.

"Today, I'm proud to sign this series of common-sense gun safety bills into law to protect our children and families from the reckless dangers of gun violence, something the federal government has failed to do on behalf of its residents," **said Governor Murphy**. "By setting these higher standards for gun safety, New Jersey continues to bolster its reputation as a national leader on this critical social and public health issue."

The six bills include:

**A1181**, which allows mental health practitioners and law enforcement officials to keep firearms away from mental health and therapy patients who seek to harm themselves or others. The bill amends current law to require that licensed mental health practitioners exercise their duty to warn and protect by alerting law enforcement if a patient has threatened to and intends to commit imminent, serious physical violence against themselves or others. If law enforcement determines that the patient is incapable under statute of possessing a firearm, then any firearm ID card or purchasing or carrying permit is voided and subject to revocation by the Superior Court.

Sponsors include Assembly members Patricia Egan Jones, Gabriela M. Mosquera, Shavonda E. Sumter, JoAnn Downey, Arthur Barclay and Paul D. Moriarty.

**A1217**, known as the Extreme Risk Protective Order Act of 2018, authorizes New Jersey courts to issue gun violence protective orders to individuals who pose a significant risk of personal injury to themselves or others by possessing or owning a firearm. The protective orders prohibit the person who the order is filed against from securing or possessing any permit or license allowing firearm possession during the protective-order period. The bill also makes it a fourth-degree crime for a person to purposely or knowingly violate any provision of an extreme risk protective order.

Sponsors include Assembly members John F. McKeon, Louis D. Greenwald, Mila M. Jasey, Tim Eustace, Andrew Zwicker, Carol A. Murphy and Paul D. Moriarty.

**A2757** strengthens the safety of firearm transfers by requiring background checks on individuals who are purchasing from or being transferred firearms by private dealers. The bill amends current law to require any person who is not a licensed firearm retail dealer and who privately sells or transfers a firearm to another person to conduct the transaction through a licensed retail dealer. Licensed dealers are required to conduct a background check of

the person acquiring the firearm before the transaction occurs. In addition, the legislation exempts sales and transfers between members of an immediate family; law enforcement; licensed collectors of antique firearms; or a temporary transfer from being conducted through a licensed dealer and subject to a background check.

Sponsors include Assembly members Louis D. Greenwald, Jamel C. Holley, Paul D. Moriarity and Senator Linda R. Greenstein.

**A2758** amends the requirements necessary to show a justifiable need to carry a hand gun in public. This bill changes the serious threat threshold established by the previous administration by expressly defining justifiable need to require a showing of specific threats or previous attacks that demonstrate a special danger to the applicant's life and that cannot be avoided other than by issuance of a permit to carry a handgun. The bill's requirement to show specific threats tightens the qualifications for firearm carrying.

Sponsors include Assembly members Louis D. Greenwald, Jamel C. Holley, Paul D. Moriarity and Senator Linda R. Greenstein.

**A2759** adds armor piercing ammunition to the list of ammunition that is prohibited in New Jersey. The bill was written to prevent civilians from legally possessing ammunition that is designed and constructed to penetrate 48 layers of Kevlar and clarifies that possession or manufacture of this ammunition is a fourth-degree crime.

Sponsors include Assembly members Louis D. Greenwald, Carol A. Murphy, Annette Quijano, Jamel C. Holley, and Paul D. Moriarity and Senators Fred H. Madden, Jr. and Linda R. Greenstein.

**A2761** reduces the maximum capacity of ammunition magazines from 15 to 10 rounds. The exception is for current law enforcement who are on-duty or traveling to or from duty and retired law enforcement. Individuals who legally own a firearm with an unmodifiable fixed magazine capacity of up to 15 rounds or legally own a firearm that only accepts an unmodifiable detachable magazine of up to 15 rounds prior to the effective date of the bill must register the firearm with their local law enforcement agency. The bill makes it a fourth-degree crime for a person to knowingly possess a large capacity ammunition magazine unless a firearm such a magazine is registered as required.

Sponsors include Assembly members Louis D. Greenwald, Annette Quijano, Gordon M. Johnson, Jamel C. Holley, and Paul D. Moriarity.

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## Governor Phil Murphy

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