

2C:39-6

11/30/87

**LEGISLATIVE HISTORY CHECKLIST**

**NJSA:** 2C:39-6 (Tear gas, for protection of business)

**Laws Of:** 1987 **CHAPTER 139**

**Bill No:** A327

**Sponsor(s):** Kern and others

**Date Introduced:** Pre-filed

**Committee:** **Assembly:** Judiciary  
**Senate:** Judiciary

**Amended during passage:** Yes Assembly Committee substituted (corrected copy - OCR) enacted.

**Date of Passage:** **Assembly:** February 10, 1986  
**Senate:** April 30, 1986

**Date of Approval:** June 9, 1987

**Following statements are attached if available:**

**Sponsor statement:** Yes

**Committee statement:** **Assembly** Yes  
**Senate** Yes

**Fiscal Note:** No

**Veto Message:** No

**Message on Signing:** No

**Following were printed:**

**Reports:** No

**Hearings:** No

**CORRECTED COPY**  
 ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 327**  
 [OFFICIAL COPY REPRINT]

**STATE OF NEW JERSEY**

ADOPTED: JANUARY 27, 1986

By Assemblyman KERN

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

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

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

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

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

9 (2) Federal law enforcement officers, and any other federal offi-  
 10 cers and employees required to carry firearms in the performance  
 11 of their official duties;

12 (3) Members of the State Police;

13 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,  
 14 assistant prosecutor, prosecutor's detective or investigator, dep-  
 15 uty attorney general or State investigator employed by the Di-  
 16 vision of Criminal Justice of the Department of Law and Public  
 17 Safety, investigator employed by the State Commission of In-  
 18 vestigation, inspectors of the Alcoholic Beverage Control En-  
 19 forcement Bureau of the Division of State Police in the Depart-  
 20 ment of Law and Public Safety authorized to carry such weapons  
 21 by the Superintendent of State Police, State park ranger, or  
 22 State conservation officer;

**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 printed in italics thus is new matter.**

**Matter enclosed in asterisks or stars has been adopted as follows:**

**\*—Assembly amendments adopted February 3, 1986.**

23 (5) A prison or jail warden of any penal institution in this  
24 State or his deputies, or an employee of the Department of Cor-  
25 rections engaged in the interstate transportation of convicted  
26 offenders, while in the performance of his duties, and when re-  
27 quired to possess the weapon by his superior officer, or a cor-  
28 rection officer or keeper of a penal institution in this State at all  
29 times while in the State of New Jersey, provided he annually  
30 passes an examination approved by the superintendent testing his  
31 proficiency in the handling of firearms;

32 (6) A civilian employee of the United States Government under  
33 the supervision of the commanding officer of any post, camp,  
34 station, base or other military or naval installation located in  
35 this State who is required, in the performance of his official duties  
36 to carry fire arms, and who is authorized to carry such firearms by  
37 said commanding officer, while in the actual performance of his  
38 official duties;

39 (7) (a) A regularly employed member, including a detective,  
40 of the police department of any county or municipality, or of any  
41 State, interstate, municipal or county park police force or boule-  
42 vard police force, at all times while in the State of New Jersey;

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

46 (c) An airport security officer or a special law enforcement  
47 officer appointed by the governing body of any county or munic-  
48 ipality, except as provided in subsection b. of this section, or by  
49 the commission, board or other body having control of a county  
50 park or airport or boulevard police force, while engaged in the  
51 actual performance of his official duties and when specifically  
52 authorized by the governing body to carry weapons; or

53 (8) A full time, paid member of a paid or part-paid fire de-  
54 partment or force of any municipality who is assigned full-time or  
55 part-time to an arson investigation unit created pursuant to sec-  
56 tion 1 of P. L. 1981, c. 409 (C. 40A:14-7.1) or to the county arson  
57 investigation unit in the county prosecutor's office, while either  
58 engaged in the actual performance of arson investigation duties or  
59 while actually on call to perform arson investigation duties and  
60 when specifically authorized by the governing body or the county  
61 prosecutor, as the case may be, to carry weapons. Prior to being  
62 permitted to carry a firearm, such a member shall take and suc-  
63 cessfully complete a firearms training course administered by the  
64 Police Training Commission pursuant to P. L. 1961, c. 56 (C.

65 52:17B-66 et seq.), and shall annually qualify in the use of a re-  
66 volver or similar weapon prior to being permitted to carry a fire-  
67 arm.

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

69 (1) A law enforcement officer employed by a governmental  
70 agency outside of the State of New Jersey while actually engaged  
71 in his official duties, provided, however, that he has first notified  
72 the superintendent or the chief law enforcement officer of the  
73 municipality or the prosecutor of the county in which he is en-  
74 gaged; or

75 (2) A licensed dealer in firearms and his registered employees  
76 during the course of their normal business while traveling to and  
77 from their place of business and other places for the purpose of  
78 demonstration, exhibition or delivery in connection with a sale,  
79 provided, however, that the weapon is carried in the manner speci-  
80 fied in subsection g. of this section.

81 c. Provided a person complies with the requirements of sub-  
82 section j. of this section, subsections b. and c. of N. J. S. 2C:39-5  
83 do not apply to:

84 (1) A special agent of the Division of Taxation who has passed  
85 an examination in an approved police training program testing  
86 proficiency in the handling of any firearm which he may be re-  
87 quired to carry, while in the actual performance of his official  
88 duties and while going to or from his place of duty, or any other  
89 police officer, while in the actual performance of his official duties;

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

94 (3) A full-time member of the marine patrol force or a special  
95 marine patrolman authorized to carry the weapon by the Com-  
96 missioner of Environmental Protection, while in the actual per-  
97 formance of his official duties;

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

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

105 (6) A member of a legally recognized military organization  
106 while actually under orders or while going to or from the pre-

107 scribed place of meeting and carrying the weapons prescribed  
108 for drill, exercise or parade;

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

111 (8) An employee of a public utilities corporation actually en-  
112 gaged in the transportation of explosives;

113 (9) A railway policeman, at all times while in the State of New  
114 Jersey, provided that he has passed an approved police academy  
115 training program consisting of at least 280 hours. The training  
116 program shall include, but need not be limited to, the handling of  
117 firearms, community relations, and juvenile relations; or

118 (10) A campus police officer appointed under P. L. 1970, c. 211  
119 (C. 18A:6-4.2 et seq.), while going to and from his place of duty  
120 and while in the course of performing official duties or while in  
121 the course of an official investigation within the State. Prior to  
122 being permitted to carry a firearm, a campus police officer shall  
123 take and successfully complete a firearms training course ad-  
124 ministered by the Police Training Commission, pursuant to P. L.  
125 1961, c. 56 (C. 52:17B-66 et seq.), and shall annually qualify in  
126 the use of a revolver or similar weapon prior to being permitted  
127 to carry a firearm.

128 d. (1) Subsections c. and d. of N. J. S. 2C:39-5 do not apply to  
129 antique firearms, provided that such antique firearms are unloaded  
130 or are being fired for the purposes of exhibition or demonstration  
131 at an authorized target range or in such other manner as has  
132 been approved in writing by the chief law enforcement officer of  
133 the municipality in which the exhibition or demonstration is held,  
134 or if not held on property under the control of a particular mu-  
135 nicipality, the superintendent.

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

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

148 (4) Subsection a. of N. J. S. 2C:39-3 and subsection d. of N. J. S.

149 2C:39-5 do not apply to antique cannons that are being loaded or  
150 fired by one eligible to possess an antique cannon, for purposes of  
151 exhibition or demonstration at an authorized target range or in  
152 the manner as has been approved in writing by the chief law  
153 enforcement officer of the municipality in which the exhibition or  
154 demonstration is held, or if not held on property under the control  
155 of a particular municipality, the superintendent, provided that  
156 performer has given at least 30 days' notice to the superintendent.

157 (5) Subsection a. of N. J. S. 2C:39-3 and subsection d. of  
158 N. J. S. 2C:39-5 do not apply to the transportation of unloaded  
159 antique cannons directly to or from exhibitions or demonstrations  
160 authorized under paragraph (4) of subsection d. of this section,  
161 provided that the transportation is in compliance with safety  
162 regulations the superintendent may promulgate. Nor do those  
163 subsections apply to transportation directly to or from exhibitions  
164 or demonstrations authorized under the law of another juris-  
165 diction, provided that the superintendent has been given 30 days'  
166 notice and that the transportation is in compliance with safety  
167 regulations the superintendent may promulgate.

168 e. Nothing in subsections b., c. and d. of N. J. S. 2C:39-5 shall  
169 be construed to prevent a person keeping or carrying about his  
170 place of business, residence, premises or other land owned or  
171 possessed by him, any firearm, or from carrying the same, in the  
172 manner specified in subsection g. of this section, from any place  
173 of purchase to his residence or place of business, between his  
174 dwelling and his place of business, between one place of business  
175 or residence and another when moving, or between his dwelling  
176 or place of business and place where such firearms are repaired,  
177 for the purpose of repair. For the purposes of this section, a  
178 place of business shall be deemed to be a fixed location.

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

181 (1) A member of any rifle or pistol club organized in accord-  
182 ance with the rules prescribed by the National Board for the  
183 Promotion of Rifle Practice, in going to or from a place of target  
184 practice, carrying such firearms as are necessary for said target  
185 practice, provided that the club has filed a copy of its charter with  
186 the superintendent and annually submits a list of its members to  
187 the superintendent and provided further that the firearms are  
188 carried in the manner specified in subsection g. of this section;

189 (2) A person carrying a firearm or knife in the woods or fields  
190-191 or upon the waters of this State for the purpose of hunting,

192 target practice or fishing, provided that the firearm or knife is  
193 legal and appropriate for hunting or fishing purposes in this State  
194 and he has in his possession a valid hunting license, or, with  
195 respect to fresh water fishing, a valid fishing license;

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

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

200 (b) Directly to or from any target range, or other authorized  
201 place for the purpose of practice, match, target, trap or skeet  
202 shooting exhibitions, provided in all cases that during the course  
203 of the travel all firearms are carried in the manner specified in  
204 subsection g. of this section and the person has complied with  
205 all the provisions and requirements of Title 23 of the Revised  
206 Statutes and any amendments thereto and all rules and regula-  
207 tions promulgated thereunder; or

208 (c) In the case of a firearm, directly to or from any exhibition  
209 or display of firearms which is sponsored by any law enforcement  
210 agency, any rifle or pistol club, or any firearms collectors club,  
211 for the purpose of displaying the firearms to the public or to  
212 the members of the organization or club, provided, however, that  
213 not less than 30 days prior to the exhibition or display, notice of  
214 the exhibition or display shall be given to the Superintendent  
215 of the State Police by the sponsoring organization or club, and  
216 the sponsor has complied with such reasonable safety regulations  
217 as the superintendent may promulgate. Any firearms transported  
218 pursuant to this section shall be transported in the manner speci-  
219 fied in subsection g. of this section;

220 (4) A person from keeping or carrying about a private or  
221 commercial aircraft or any boat, or from transporting to or from  
222 such vessel for the purpose of installation or repair a visual  
223 distress signalling device approved by the United States Coast  
224 Guard.

225 g. All weapons being transported under paragraph (2) of sub-  
226 section b., subsection e., or paragraph (1) or (3) of subsection  
227 f. of this section shall be carried unloaded and contained in a  
228 closed and fastened case, gunbox, securely tied package, or locked  
229 in the trunk of the automobile in which it is being transported,  
230 and in the course of travel shall include only such deviations as  
231 are reasonably necessary under the circumstances.

232 h. Nothing in subsection d. of N. J. S. 2C:39-5 shall be con-  
233 strued to prevent any employee of a public utility, as defined in

234 R. S. 48:2-13, doing business in this State or any United States  
235 Postal Service employee, while in the actual performance of  
236 duties which specifically require regular and frequent visits to  
237 private premises, from possessing, carrying or using any device  
238 which projects, releases or emits any substance specified as  
239 being noninjurious to canines or other animals by the Commis-  
240 sioner of Health and which immobilizes only on a temporary basis  
241 and produces only temporary physical discomfort through being  
242 vaporized or other wise dispensed in the air for the sole purpose  
243 of repelling canine or other animal attacks.

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

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

251 i. Nothing in subsection d. of N. J. S. 2C:39-5 shall be con-  
252 strued to prevent any person who is 18 years of age or older  
253 and who has not been convicted of a felony, from possession for  
254 the purpose of personal self-defense of one pocket-sized device  
255 which contains and releases not more than three-quarters of an  
256 ounce of chemical substance nor ordinarily capable of lethal use  
257 or of inflicting serious bodily injury, but rather, is intended to  
258 produce temporary physical discomfort or disability through being  
259 vaporized or otherwise dispensed in the air. Any person in pos-  
260 session of any device in violation of this subsection shall be  
261 deemed and adjudged to be a disorderly person, and upon con-  
262 viction thereof, shall be punished by a fine of not less than \$100.00.

263 j. A person shall qualify for an exemption from the provisions  
264 of N. J. S. 2C:39-5, as specified under subsections a. and c. of this  
265 section, if the person has satisfactorily completed a firearms  
266 training course approved by the Police Training Commission.  
267 Such exempt person shall not possess or carry a firearm until  
268 the person has satisfactorily completed a firearms training course  
269 and shall annually qualify in the use of a revolver or similar  
270 weapon. For purposes of this subsection, a "firearms training  
271 course" means a course of instruction in the safe use, maintenance  
272 and storage of firearms which is approved by the Police Training  
273 Commission. The commission shall approve a firearms training  
274 course if the requirements of the course are substantially equival-  
275 ent to the requirements for firearms training provided by police

276 training courses which are certified under section 6 of P. L. 1961,  
277 c. 56 (C. 52:17B-71). A person who is specified in paragraph (1),  
278 (2), (3) or (6) of subsection a. of this section shall be exempt from  
279 the requirements of this paragraph.

280 *k. Nothing in subsection d. of N. J. S. 2C:39-5 shall be construed*  
281 *to prevent any financial \***[or other business]**\* institution, or any*  
282 *duly authorized personnel of \***[those institutions]**\* **the institu-***  
283 *tion\*, from possessing, carrying or using for the protection of*  
284 *money or property, any device which projects, releases or emits*  
285 *tear gas or other substances intended to produce temporary phys-*  
286 *ical discomfort or temporary identification.*

1 2. This act shall take effect immediately.

---

#### CRIMINAL JUSTICE

Permits use of tear gas and other substances for protection of  
financial and business institutions.

---

# ASSEMBLY, No. 327

Introduced Pending Technical Review by Legislative Counsel  
PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Assemblyman KERN

# ASSEMBLY, No. 939

# STATE OF NEW JERSEY

INTRODUCED JANUARY 30, 1984

By Assemblymen KERN, FELICE, KOSCO, MARKERT  
and SCHUBER

AN ACT permitting the use of tear gas and other substances for  
the protection of financial and business institutions and amend-  
ing N. J. S. 2C:39-6.

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

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

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

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

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

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

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

19 (5) A prison or jail warden of any penal institution in this State  
20 or his deputies, or an employee of the Department of Corrections

**Matter printed in italics *thus* is new matter.**

21 engaged in the interstate transportation of convicted offenders,  
22 while in the performance of his duties, and when required to possess  
23 such a weapon by his superior officer, or a correction officer or  
24 keeper of a penal institution in this State at all times while in the  
25 State of New Jersey provided he annually passes an examination  
26 approved by the superintendent testing his proficiency in the han-  
27 dling of firearms;

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

35 (7) A regularly employed member, including a detective, of the  
36 police department of any county or municipality, or of any State,  
37 intrastate, municipal or county park police force or boulevard police  
38 force, at all time while in the State of New Jersey, or any special  
39 police man authorized to vary a revolver or other similar weapons  
40 while off duty within the municipality where he is employed, as  
41 provided in N. J. S. 40A:14-146, or a special policeman or airport  
42 security officer appointed by the governing body of any county or  
43 municipality, except as provided in this paragraph, or by the com-  
44 mission, board or other body having control of a county park or  
45 airport or boulevard police force, while engaged in the actual  
46 performance of his official duties and when specifically authorized  
47 by the governing body to carry weapons; or

48 (8) A paid member of a paid or part-paid fire department or  
49 force of any municipality who is assigned full-time to an arson in-  
50 vestigation unit created pursuant to section 1 of P. L. 1981, c. 409  
51 (C. 40A:14-7.1), while engaged in the actual performance of arson  
52 investigation duties and when specifically authorized by the gov-  
53 erning body to carry weapons.

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

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

60 (2) A licensed dealer in firearms and his registered employees  
61 during the course of their normal business while traveling to and  
62 from their place of business and other places for the purpose of  
63 demonstration, exhibition or delivery in connection with a sale,

64 provided, however, that any such weapon is carried in the manner  
65 specified in subsection g. of this section.

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

67 (1) A special agent of the Division of Taxation who has passed  
68 an examination in an approved police training program testing  
69 proficiency in the handling of any firearm which he may be required  
70 to carry, while in the actual performance of his official duties and  
71 while going to or from his place of duty, a campus police officer  
72 appointed pursuant to P. L. 1970. c. 211 (C. 18A:6-4.2 et seq.) or  
73 any other police officer, while in the actual performance of his  
74 official duties;

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

79 (3) A full-time member of the marine patrol force or a special  
80 marine patrolman authorized to carry such a weapon by the Com-  
81 missioner of Environmental Protection, while in the actual per-  
82 formance of his official duties;

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

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

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

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

96 (8) An employee of a public utilities corporation actually en-  
97 gaged in the transportation of explosives; or

98 (9) A railway policeman, at all times while in the State of New  
99 Jersey, provided that he has passed an approved police academy  
100 training program consisting of at least 280 hours. The training  
101 program shall include, but need not be limited to, the handling of  
102 firearms, community relations, and juvenile relations.

103 d. (1) Subsections c. and d. of section 2C:39-5 do not apply to  
104 antique firearms, provided that such antique firearms are unloaded  
105 or are being fired for the purposes of exhibition or demonstration  
106 at an authorized target range or in such other manner as has been

107 approved in writing by the chief law enforcement officer of the  
108 municipality in which the exhibition or demonstration is held, or if  
109 not held on property under the control of a particular municipality,  
110 the superintendent.

111 (2) Subsection a. of N. J. S. 2C:39-3 and subsection d. of N. J. S.  
112 2C:39-5 do not apply to an antique cannon that is capable of being  
113 fired but that is unloaded and immobile, provided that the antique  
114 cannon is possessed by (a) a scholastic institution, a museum, a  
115 municipality, a county or the State, or (b) a person who obtained  
116 a firearms purchaser identification card as specified in N. J. S.  
117 2C:58-3.

118 (3) Subsection a. of N. J. S. 2C:39-3 and subsection d. of N. J. S.  
119 2C:39-5 do not apply to an unloaded antique cannon that is being  
120 transported by one eligible to possess it, in compliance with regu-  
121 lations the superintendent may promulgate, between its permanent  
122 location and place of purchase or repair.

123 (4) Subsection a. of N. J. S. 2C:39-3 and subsection d. of N. J. S.  
124 2C:39-5 do not apply to antique cannons that are being loaded or  
125 fired by one eligible to possess an antique cannon, for purposes of  
126 exhibition or demonstration at an authorized target range or in the  
127 manner as has been approved in writing by the chief law enforce-  
128 ment officer of the municipality in which the exhibition or demon-  
129 stration is held, or if not held on property under the control of a  
130 particular municipality the superintendent provided that per-  
131 former has given at least 30 days notice of such to the superin-  
132 tendent.

133 (5) Subsection a. of N. J. S. 2C:39-3 and subsection d. of N. J. S.  
134 2C:39-5 do not apply to the transportation of unloaded antique  
135 cannons directly to or from exhibitions or demonstrations autho-  
136 rized under paragraph (4) of subsection d. of this section, provided  
137 that the transportation is in compliance with safety regulations the  
138 superintendent may promulgate. Nor do those subsections apply  
139 to transportation directly to or from exhibitions or demonstrations  
140 authorized under the laws of another jurisdiction, provided that the  
141 superintendent has been given 30 days notice of such and that the  
142 transportation is in compliance with safety regulations the super-  
143 intendent may promulgate.

144 e. Nothing in subsections b., c. and d. of section 2C:39-5 shall  
145 be construed to prevent a person keeping or carrying about his  
146 place of business, residence, premises or other land owned or  
147 possessed by him, any firearm, or from carrying the same, in the  
148 manner specified in subsection g. of this section, from any place of  
149 purchase to his residence or place of business, between his dwelling

150 and his place of business, between one place of business or residence  
 151 and another when moving, or between his dwelling or place of  
 152 business and place where such firearms are repaired, for the  
 153 purpose of repair. For th purposes of this section, a place of  
 154 business shall be demed to be a fixed location.

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

157 (1) A member of any rifle or pistol club organized in accordance  
 158 with the rules prescribed by the National Board for the Promotion  
 159 of Rifle Practice, in going to or from a place of target practice,  
 160 carrying such firearms as are necessary for said target practice  
 161 provided that the club has filed a copy of its charter with the su-  
 162 perintendent and annually submits a list of its members to the  
 163 superintendent and provided further that the firearms are carried  
 164 in the manner specified in subsection g. of this section;

165 (2) A person carrying a firearm or knife in the woods or fields  
 166 or upon the waters of this State for the purpose of hunting, target  
 167 practice or fishing, provided that the firearm or knife is legal and  
 168 appropriate for hunting or fishing purposes in this State and he  
 169 has in his possession a valid hunting license, or, with respect to  
 170 fresh water fishing, a valid fishing license;

171 (3) A person transporting any firearm or knife while traveling;

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

175 (b) Directly to or from any target range, or other authorized  
 176 place for the purpose of practice, match, target, trap or skeet shoot-  
 177 ing exhibitions, provided in all cases that during the course of such  
 178 travel all firearms are carried in the manner specified in sub-  
 179 section g. of this section and the person has complied with all the  
 180 provisions and requirements of Title 23 of the Revised Statutes  
 181 and any amendments thereto and all rules and regulations promul-  
 182 gated thereunder; or

183 (c) In the case of a firearm, directly to or from any exhibition  
 184 or display of firearms which is sponsored by any law enforcement  
 185 agency, any rifle or pistol club, or any firearms collector club,  
 186 for the purpose of displaying of the firearms to the public or to the  
 187 members of such orgauization or club, provided, however, that not  
 188 less than 30 days prior to such exhibition or display, notice of such  
 189 exhibition or display shall be given to the Superintendent of the  
 190 State Police by the sponsoring organization or club, and the spon-  
 191 sor has complied with such reasonable safety regulations as the  
 192 superintendent may promulgate any firearms transported pur-

193 suant to this section shall be transported in the manner specified  
194 in subsection g. of this section;

195 (4) A person from keeping or carrying about a private or com-  
196 mercial aircraft or any boat, or from transporting to or from such  
197 vessel for the purpose of installation or repair a visual distress  
198 signalling device approved by the United States Coast Guard.

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

205 h. Nothing in subsection d. of section 2C:39-5 shall be construed  
206 to prevent any employee of a public utility, as defined in R. S.  
207 48:2-13, doing business in this State or any United States Postal  
208 Service employee, while in the actual performance of duties which  
209 specifically require regular and frequent visits to private premises,  
210 from possessing, carrying or using any device which projects,  
211 releases or emits any substance specified as being noninjurious to  
212 canines or other animals by the Commissioner of Health and which  
213 immobilizes only on a temporary basis and produces only temporary  
214 physical discomfort through being vaporized or otherwise dis-  
215 pensed in the air for the sole purpose of repelling canine or other  
216 animal attacks.

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

221 Any device used pursuant to this act shall be selected from a list  
222 of products, which consist of active and inert ingredients, per-  
223 mitted by the Commissioner of Health.

224 i. Nothing in subsection d. of 2C:39-5 shall be construed to  
225 prevent any person who is 18 years of age or older and who has  
226 not been convicted of a felony, from possession for the purpose of  
227 personal self-defense of one pocket-sized device which contains and  
228 releases not more than three-quarters of an ounce of chemical sub-  
229 stance not ordinarily capable of lethal use or of inflicting serious  
230 bodily injury, but rather, is intended to produce temporary physical  
231 discomfort or disability through being vaporized or otherwise dis-  
232 pensed in the air. Any person in possession of any device in viola-  
233 tion of this subsection shall be demed and adjudged to be a dis-  
234 orderly person, and upon conviction thereof, shall be punished by  
235 a fine of not less than \$100.00.

236 *j. Nothing in subsection d. of section 2C:39-5 shall be construed*  
237 *to prevent any financial or other business institution, or any duly*  
238 *authorized personnel of those institutions, from possessing, carry-*  
239 *ing or using for the protection of money or property, any device*  
240 *which projects, releases or emits tear gas or other substances*  
241 *intended to produce temporary physical discomfort or temporary*  
242 *identification.*

1 2. This act shall take effect immediately.

---

#### STATEMENT

This bill will clarify that banks and other financial institutions and businesses may lawfully use tear gas and dye packages. These packages have been successful in locating and arresting persons who have robbed these institutions. The packages are typically inserted inside a packet of money which would be given to a robber, would project or eject tear gas and dye at a fixed time after being removed from their usual location, and are not designed to cause any permanent injury.

---

ASSEMBLY JUDICIARY COMMITTEE  
STATEMENT TO  
ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 327**  
**STATE OF NEW JERSEY**

DATED: JANUARY 24, 1986

The Assembly Judiciary Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 327.

Present law makes it a crime of the fourth degree for a person to knowingly have in his possession a weapon under circumstances not manifestly appropriate for its lawful use (N. J. S. 2C:39-5d). This substitute bill clarifies that this law will not be construed to prevent banks and other financial institutions from lawfully using tear gas and dye packages.

These packages are typically inserted inside a packet of money which would be given to a robber. They are designed so that after being removed from their initial location they project or emit tear gas or other substances intended to produce temporary physical discomfort or temporary identification.

The committee adopted a substitute to conform the bill to current law.

SENATE JUDICIARY COMMITTEE  
STATEMENT TO  
**ASSEMBLY, No. 327**  

---

**STATE OF NEW JERSEY**  

---

DATED: JUNE 16, 1986

The Senate Judiciary Committee reports favorably Assembly Bill No. 327.

Under the criminal code, the term "weapon" is defined to include any device which releases or emits tear gas or any substance intended to produce temporary physical discomfort or permanent injury. N. J. S. 2C:39-5 prohibits as a crime of the fourth degree the unlawful possession of weapons. This bill would clarify that the prohibition set forth in 2C:39-5 would not be applicable to the use by banks and other financial institutions of tear gas and dye packages.

Tear gas and dye packages are typically inserted inside a packet of money which would be given to a robber. They are designed so that after being removed from their initial location, they will release or emit tear gas or dye and thus provide a method for immobilizing or identifying the robbers.