

2C:39-6

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2C:39-6

(Security guards
nuclear power
plants carrying
weapons)

LAWS OF: 1987

CHAPTER: 172

Bill No: S2126

Sponsor(s): Connors

Date Introduced: May 12, 1986

Committee: Assembly: Law, Public Safety, Defense and Corrections

Senate: Law, Public Safety, and Defense

Amended during passage: Yes Amendments during passage
denoted by asterisks

Date of Passage: Assembly: May 18, 1987

Senate: January 22, 1987

Date of Approval: July 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

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SENATE, No. 2126

STATE OF NEW JERSEY

INTRODUCED MAY 12, 1986

By Senator CONNORS

Referred to Committee on Law, Public Safety and Defense

AN ACT concerning firearms and amending N. J. S. 2C:39-6.

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

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

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

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

9 (2) Federal law enforcement officers, and any other federal of-
10 ficers 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, deputy
15 attorney general or State investigator employed by the Division of
16 Criminal Justice of the Department of Law and Public Safety,
17 investigator employed by the State Commission of Investigation,
18 inspector [and investigators] of the [Division of] Alcoholic Bev-
19 erage Control *Enforcement Bureau of the Division of State Police*
20 *in the Department of Law and Public Safety authorized to carry*
21 *such weapons by the Superintendent of State Police, State park*
22 *ranger, or State conservation officer;*

23 (5) A prison or jail warden of any penal institution in this State

**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:

***—Senate committee amendments adopted October 27, 1986.**

24 or his deputies, or an employee of the Department of Corrections
25 engaged in the interstate transportation of convicted offenders,
26 while in the performance of his duties, and when required to possess
27 **【such a】** *the* weapon by his superior officer, or a correction officer
28 or keeper of a penal institution in this State at all times while in
29 the State of New Jersey, provided he annually passes an examina-
30 tion approved by the superintendent testing his proficiency in the
31 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, station,
34 base or other military or naval installation located in this State
35 who is required, in the performance of his official duties, to carry
36 firearms, and who is authorized to carry such firearms by said com-
37 manding officer, while in the actual performance of his official duties;

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

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

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

52 **【(8) A paid member of a paid or part-paid fire department or**
53 **force of any municipality who is assigned full-time to an arson**
54 **investigation unit created pursuant to section 1 of P. L. 1981, c.**
55 **409 (C. 40A:14-7.1), while engaged in the actual performance of**
56 **arson investigation duties and when specifically authorized by the**
57 **governing body to carry weapons.】**

58 *(8) A full-time, paid member of a paid or part-paid fire de-*
59 *partment or force of any municipality who is assigned full-time or*
60 *part-time to an arson investigation unit created pursuant to sec-*
61 *tion 1 of P. L. 1981, c. 409 (C. 40A:14-7.1) or to the county arson*
62 *investigation unit in the county prosecutor's office, while either en-*
63 *gaged in the actual performance of arson investigation duties or*
64 *while actually on call to perform arson investigation duties and*
65 *when specifically authorized by the governing body or the county*
66 *prosecutor, as the case may be, to carry weapons. Prior to being*

67 *permitted to carry a firearm, such a member shall take and suc-*
 68 *cessfully complete a firearms training course administered by the*
 69 *Police Training Commission, pursuant to P. L. 1961, c. 56 (C.*
 70 *52:17B-66 et seq.), and shall annually qualify in the use of a re-*
 71 *volver or similar weapon prior to being permitted to carry a fire-*
 72 *arm.*

73 b. Subsections a., b. and c. of **[section]** *N. J. S. 2C:39-5* do not
 74 apply to:

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

80 (2) A licensed dealer in firearms and his registered employees
 81 during the course of their normal business while traveling to and
 82 from their place of business and other places for the purpose of
 83 demonstration, exhibition or delivery in connection with a sale,
 84 provided, however, that **[any such]** *the* weapon is carried in the
 85 manner specified in subsection g. of this section.

86 c. **[Subsection]** *Provided a person complies with the require-*
 87 *ments of subsection j. of this section, subsections b. and c. of [sec-*
 88 *tion]* *N. J. S. 2C:39-5* do not apply to:

89 (1) A special agent of the Division of Taxation who has passed
 90 an examination in an approved police training program testing
 91 proficiency in the handling of any firearm which he may be required
 92 to carry, while in the actual performance of his official duties and
 93 while going to or from his place of duty, **[a campus police officer**
 94 **appointed pursuant to P. L. 1970, c. 211 (C. 18A:6-4.2 et seq.)]** or
 95 any other police officer, while in the actual performance of his
 96 official duties;

97 (2) A State deputy conservation officer or a full-time employee of
 98 the Division of Parks and Forestry having the power of arrest and
 99 authorized to carry weapons, while in the actual performance of
 100 his official duties.

101 (3) A full-time member of the marine patrol force or a special
 102 marine patrolman authorized to carry **[such a]** *the* weapon by the
 103 commissioner of Environmental Protection, while in the actual
 104 performance of his official duties;

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

109 (5) A guard in the employ of any railway express company,

110 banking or building and loan or savings and loan institution of
111 this State, while in the actual performance of his official duties;

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

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

118 (8) An employee of a public utilities corporation actually en-
119 gaged in the transportation of explosives; **[or]**

120 (9) A railway policeman, at all times while in the State of New
121 Jersey, provided that he has passed an approved police academy
122 training program consisting of at least 280 hours. The training
123 program shall include, but need not be limited to, the handling of
124 firearms, community relations, and juvenile relations**[.]**; *or*

125 (10) *A campus police officer appointed under P. L. 1970, c. 211*
126 *(C. 18A:6-4.2 et seq.), while going to and from this place of duty*
127 *and while in the course of performing official duties or while in*
128 *the course of an official investigation within the State. Prior to*
129 *being permitted to carry a firearm, a campus police officer shall*
130 *take and successfully complete a firearms training course admin-*
131 *istered by the Police Training Commission, pursuant to P. L. 1961,*
132 *c. 56 (C. 52:17B-66 et seq.), and shall annually qualify in the use*
133 *of a revolver or similar weapon prior to being permitted to carry*
134 *a firearm**[.]**; or*

135 (11) *A person *who has not been convicted of a crime under the*
136 *laws of this State or under the laws of another state or the United*
137 *States, and who is* employed as a full-time security guard for a*
138 *nuclear power plant ***[operating]*** under the license of the Nuclear*
138A *Regulatory Commission, while in the actual performance of his*
138B *official duties.*

139 d. (1) Subsections c. and d. of **[section]** N. J. S. 2C:39-5 do not
140 apply to antique firearms, provided that such antique firearms are
141 unloaded or are being fired for the purposes of exhibition or dem-
142 onstration at an authorized target range or in such other manner
143 as has been approved in writing by the chief law enforcement of-
144 ficer of the municipality in which the exhibition or demonstration
145 is held, or if not held on property under the control of a particular
146 municipality, the superintendent.

147 (2) Subsection a. of N. J. S. 2C:39-3 and subsection d. of N. J. S.
148 2C:39-5 do not apply to an antique cannon that is capable of being
149 fired but that is unloaded and immobile, provided that the antique
150 cannon is possessed by (a) a scholastic institution, a museum, a
151 municipality, a county or the State, or (b) a person who obtained a

152 firearms purchaser identification card as specified in N. J. S.
153 2C:58-3.

154 (3) Subsection a. of N. J. S. 2C:39-3 and subsection d. of N. J. S.
155 2C:39-5 do not apply to an unloaded antique cannon that is being
156 transported by one eligible to possess it, in compliance with regula-
157 tions the superintendent may promulgate, between its permanent
158 location and place of purchase or repair.

159 (4) Subsection a. of N. J. S. 2C:39-3 and subsection d. of N. J. S.
160 2C:39-5 do not apply to antique cannons that are being loaded or
161 fired by one eligible to possess an antique cannon, for purposes of
162 exhibition or demonstration at an authorized target range or in the
163 manner as has been approved in writing by the chief law enforce-
164 ment officer of the municipality in which the exhibition or demon-
165 stration is held, or if not held on property under the control of a
166 particular municipality, the superintendent, provided that per-
167 former has given at least 30 days' notice **[of such]** to the superin-
168 tendent.

169 (5) Subsection a. of N. J. S. 2C:39-3 and subsection d. of N. J. S.
170 2C:39-5 do not apply to the transportation of unloaded antique
171 cannons directly to or from exhibitions or demonstrations autho-
172 rized under paragraph (4) of subsection d. of this section, provided
173 that the transportation is in compliance with safety regulations the
174 superintendent may promulgate. Nor do those subsections apply to
175 transportation directly to or from exhibitions or demonstrations
176 authorized under the law of another jurisdiction, provided that the
177 superintendent has been given 30 days' notice **[of such]** and that
178 the transportation is in compliance with safety regulations the
179 superintendent may promulgate.

180 e. Nothing in subsections b., c. and d. of **[section]** *N. J. S. 2C:39-5*
181 shall be construed to prevent a person keeping or carrying about
182 his place of business, residence, premises or other land owned or
183 possessed by him, any firearm, or from carrying the same, in the
184 manner specified in subsection g. of this section, from any place of
185 purchase to his residence or place of business, between his dwelling
186 and his place of business, between one place of business or residence
187 and another when moving, or between his dwelling or place of
188 business and place where such firearms are repaired, for the purpose
189 of repair. For the purposes of this section, a place of business shall
190 be deemed to be a fixed location.

191 f. Nothing in subsections b., c. and d. of **[section]** *N. J. S. 2C:39-5*
192 shall be construed to prevent:

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

195 of Rifle Practice, in going to or from a place of target practice,
196 carrying such firearms as are necessary for said target practice,
197 provided that the club has filed a copy of its charter with the su-
198 perintendent and annually submits a list of its members to the
199 superintendent and provided further that the firearms are carried
200 in the manner specified in subsection g. of this section;

201 (2) A person carrying a firearm or knife in the woods or fields
202 or upon the waters of this State for the purpose of hunting, target
203 practice or fishing, provided that the firearm or knife is legal and
204 appropriate for hunting or fishing purposes in this State and he
205 has in his possession a valid hunting license, or, with respect to
206 freshwater fishing, a valid fishing license;

207 (3) A person transporting any firearm or knife while traveling:
208 (a) Directly to or from any place for the purpose of hunting or
209 fishing, provided **【such】** *the* person has in his possession a valid
210 hunting or fishing license; or

211 (b) Directly to or from any target range, or other authorized
212 place for the purpose of practice, match, target, trap or skeet shoot-
213 ing exhibitions, provided in all cases that during the course of
214 **【such】** *the* travel all firearms are carried in the manner specified in
215 subsection g. of this section and the person has complied with all the
216 provisions and requirements of Title 23 of the Revised Statutes
217 and any amendments thereto and all rules and regulations promul-
218 gated thereunder; or

219 (c) In the case of a firearm, directly to or from any exhibition
220 or display of firearms which is sponsored by any law enforcement
221 agency, any rifle or pistol club, or any firearms collectors club,
222 for the purpose of displaying **【of】** the firearms to the public or to
223 the member of **【such】** *the* organization or club, provided, however,
224 that not less than 30 days prior to **【such】** *the* exhibition or display,
225 notice of **【such】** *the* exhibition or display shall be given to the Su-
226 perintendent of the State Police by the sponsoring organization or
227 club, and the sponsor has complied with such reasonable safety
228 regulations as the superintendent may promulgate. Any firearms
229 transported pursuant to this section shall be transported in the
230 manner specified in subsection g. of this section;

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

235 g. All weapons being transported under **【subsection b. (2), e. or**
236 **f. (1) or (3)】** *paragraph (2) of subsection b., subsection e., or para-*
237 *graph (1) or (3) of subsection f.* of this section shall be carried un-

238 loaded and contained in a closed and fastened case, gunbox, securely
239 tied package, or locked in the trunk of the automobile in which it
240 is being transported, and the course of travel shall include only such
241 deviations as are reasonably necessary under the circumstances.

242 h. Nothing in subsection d. of **[section]** *N. J. S. 2C:39-5* shall be
243 construed to prevent any employee of a public utility, as defined in
244 *R. S. 48:2-13*, doing business in this State or any United States
245 Postal Service employee, while in the actual performance of duties
246 which specifically require regular and frequent visits to private
247 premises, from possessing, carrying or using any device which
248 projects, releases or emits any substance specified as being non-
249 injurious to canines or other animals by the Commisisoner of
250 Health and which immobilizes only on a temporary basis and pro-
251 duces only temporary physical discomfort through being vaporized
252 or otherwise dispensed in the air for the sole purpose of repelling
253 canine or other animal attacks.

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

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

261 i. Nothing in subsection d. of *N. J. S. 2C:39-5* shall be construed
262 to prevent any person who is 18 years of age or older and who has
263 not been convicted of a felony, from possession for the purpose of
264 personal self-defense of one pocket-sized device which contains
265 and releases not more than three-quarters of an ounce of chemical
266 substance not ordinarily capable of lethal use or of inflicting serious
267 bodily injury, but rather, is intended to produce temporary physical
268 discomfort or disability through being vaporized or otherwise
269 dispensed in the air. Any person in possession of any device in
270 violation of this subsection shall be deemed and adjudged to be a
271 disorderly person, and upon conviction thereof, shall be punished
272 by a fine of not less than \$100.00.

272^A j. *A person shall qualify for an exemption from the provisions*
273 *of N. J. S. 2C:39-5, as specified under subsections a. and c. of this*
274 *section, if the person has satisfactorily completed a firearms train-*
275 *ing course approved by the Police Training Commission.*

276 *Such exempt person shall not possess or carry a firearm until the*
277 *person has satisfactorily completed a firearms training course*
278 *and shall annually qualify in the use of a revolver or similar*
279 *weapon. For purposes of this subsection, a "firearms training*

280 course" means a course of instruction in the safe use, maintenance
281 and storage of firearms which is approved by the Police Training
282 Commission. The commission shall approve a firearms training
283 course if the requirements of the course are substantially equiva-
284 lent to the requirements for firearms training provided by police
285 training courses which are certified under section 6 of P. L. 1961,
286 c. 56 (C. 52:17B-71). A person who is specified in paragraph (1),
287 (2), (3) or (6) of subsection a. of this section shall be exempt from
288 the requirements of this paragraph.

1 2. This act shall take effect immediately.

WEAPONS

Permits security guards at nuclear power plants to carry weapons while in the actual performance of their duties.

280 course" means a course of instruction in the safe use, maintenance
281 and storage of firearms which is approved by the Police Training
282 Commission. The commission shall approve a firearms training
283 course if the requirements of the course are substantially equiva-
284 lent to the requirements for firearms training provided by police
285 training courses which are certified under section 6 of P. L. 1961,
286 c. 56 (C. 52:17B-71). A person who is specified in paragraph (1),
287 (2), (3) or (6) of subsection a. of this section shall be exempt from
288 the requirements of this paragraph.

1 2. This act shall take effect immediately.

STATEMENT

This bill creates an exemption to N. J. S. 2C:39-6 in order to allow a person employed as a full-time security guard for a nuclear power plant to carry a weapon without a permit while in the actual performance of his official duties.

WEAPONS

Permits security guards at nuclear power plants to carry weapons while in the actual performance of their duties.

ASSEMBLY LAW, PUBLIC SAFETY, DEFENSE AND
CORRECTIONS COMMITTEE

STATEMENT TO

SENATE, No. 2126

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: FEBRUARY 25, 1987

The Assembly Law, Public Safety, Defense and Corrections Committee favorably reports Senate Bill No. 2126 OCR.

Senate Bill No. 2126 OCR amends N. J. S. 2C:39-6 to permit persons who are employed as full-time security guards at nuclear power plants to carry a firearm without a permit while in the actual performance of their official duties. The exception authorized by this bill is available, however, only to those guards who have not been convicted of a crime.

The provisions of this bill are identical to those of Assembly Bill No. 3512, as amended by the committee.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO

SENATE, No. 2126

with Senate committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 27, 1986

The Senate Law, Public Safety and Defense Committee favorably reports Senate Bill No. 2126 with amendments.

As amended, this bill permits a person who has not been convicted of a crime and who is employed as a full-time security guard for a nuclear power plant under the license of the Nuclear Regulatory Commission to carry a firearm without a permit while in the actual performance of his official duties.

The committee amended the bill to clarify that it applies to security guards employed by nuclear power plants that are licensed but are under construction or shut down because of maintenance or accidents. The committee also amended the bill to permit a security guard employed by a nuclear power plant to carry a firearm while on duty only if he has not been convicted of a crime.