

2C: 39-6

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2C:39-6 (Railway policemen-weapons-carry off duty)

LAWS OF: 1983 **CHAPTER:** 552

Bill No: S1200

Sponsor(s): Lipman

Date Introduced: March 15, 1982

Committee: **Assembly:** Judiciary, Law, Public Safety & Defense
Senate: Law, Public Safety and Defense

Amended during passage: Yes Amendments during passage denoted by asterisks

Date of Passage: **Assembly:** January 5, 1984
Senate: January 11, 1983

Date of Approval: January 17, 1984

Following statements are attached if available:

Sponsor statement:		Yes
Committee statement:	Assembly	No
	Senate	Yes
Fiscal Note:		No
Veto Message:		No
Message on Signing:		Yes
Following were printed:		
Reports:		No
Hearings:		No

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 1200

STATE OF NEW JERSEY

INTRODUCED MARCH 15, 1982

By Senator LIPMAN

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. 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 ****[fed-**
8 **eral]**** ***Federal*** officers and employees required to carry fire-
9 arms in the performance of their official duties;

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

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

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

**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 September 16, 1982.**

****—Senate amendments adopted November 29, 1982.**

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, station,
 30 base or other military or naval installation located in this State
 31 who is required, in the performance of his official duties, to carry
 32 firearms, and who is authorized to carry such firearms by said com-
 33 manding officer, while in the actual performance of his official
 34 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]*** *interstate**, municipal or county park police force
 38 or boulevard police force, at all times while in the State of New
 39 Jersey, ***or any special policeman authorized to carry a revolver*
 40 *or other similar weapons while off duty within the municipality*
 41 *where he is employed, as provided in N. J. S. 40A:14-146,*** or a
 42 special policeman **or airport security officer** appointed by the gov-
 43 erning body of any county or municipality, ***except as provided*
 43A *in this paragraph,*** or by the commission, board or other body hav-
 43B ing control of a county park **or airport** or boulevard police force,
 43C while engaged in the actual performance of his official duties and
 43D when specifically authorized by the governing body to carry
 43E weapons; or

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

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

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

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

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

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

71 (2) A State deputy conservation officer or a full-time employee
72 of the Division of Parks and Forestry having the powers of arrest
73 and authorized to carry weapons, while in the actual performance
74 of his official duties;

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

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

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

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

90 (7) An officer of the Society for the Prevention of Cruelty to
91 Animals, while in the actual performance of his duties; **【or】**

92 (8) An employee of a public utilities corporation actually en-
93 gaged in the transportation of explosives**【.】**; or

94 (9) *A railway policeman, at all times while in the State of New*
95 *Jersey**, provided that he has passed an approved police academy
95A *training program consisting of at least 280 hours. The training*
95B *program shall include, but need not be limited to, the handling of*
95C *firearms, community relations, and juvenile relations*.*

96 d. Subsections c. and d. of section 2C:39-5 do not apply to
97 antique firearms, provided that such antique firearms are unloaded
98 or are being fired for the purposes of exhibition or demonstration
99 at an authorized target range or in such other manner as has been
100 approved in writing by the chief law enforcement officer of the
101 municipality in which the exhibition or demonstration is held.

102 e. Nothing in subsections b., c. and d. of section 2C:39-5 shall
103 be construed to prevent a person keeping or carrying about his
104 place of business, residence, premises or other land owned or
105 possessed by him, any firearm, or from carrying the same, in the
106 manner specified in subsection g. of this section, from any place of
107 purchase to his residence or place of business**,** between his
108 ****[dwellings]**** ***dwelling*** and his place of business, between
109 one place of business or residence and another when moving, or
110 between his dwelling or place of business and place where such fire-
111 arms are repaired, for the purpose of repair. For the purposes of
112 this section, a place of business shall be deemed to be a fixed location.

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

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

123 (2) A person carrying a firearm or knife in the woods or fields
124 or upon the waters of this State for the purpose of hunting, target
125 practice or fishing, provided that the firearm or knife is legal and
126 appropriate for hunting or fishing purposes in this State and he
127 has in his possession a valid hunting license, or, with respect to
128 fresh water fishing, a valid fishing license;

129 (3) A person transporting any firearm or knife while traveling:
130 (a) Directly to or from any place for the purpose of hunting or
131 fishing, provided such person has in his possession a valid hunting
132 or fishing license; or

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

141 (c) In the case of a firearm, directly to or from any exhibition
142 or display of firearms which is sponsored by any law enforcement
143 agency, any rifle or pistol club, or any firearms collectors club,
144 for the purpose of displaying of the firearms to the public or to the

145 members of such organization or club, provided, however, that not
 146 less than 30 days prior to such exhibition or display, notice of such
 147 exhibition or display shall be given to the Superintendent of the
 148 State Police by the sponsoring organization or club, and the spon-
 149 sor has complied with such reasonable safety regulations as the
 150 superintendent may promulgate. Any firearms transported pur-
 151 suant to this section shall be transported in the manner specified in
 152 subsection g. of this section**[.]** **;

152A *** (4) A person from keeping or carrying about a private or com-*
 152B *mercial aircraft or any boat, or from transporting to or from such*
 152C *vessel for the purpose of installation or repair a visual distress*
 152D *signalling device approved by the United States Coast Guard.***

153 g. All weapons being transported under subsections b. (2), e. or
 154 f. (1) or (3) of this section shall be carried unloaded and contained
 155 in a closed and fastened case, gunbox, securely tied package, or
 156 locked in the trunk of the automobile in which it is being trans-
 157 ported, and the course of travel shall include only such deviations
 158 as are reasonably necessary under the circumstances.

159 h. Nothing in subsection d. of section 2C:39-5 shall be construed
 160 to prevent any employee of a public utility, as defined in R. S.
 161 48:2-13, doing business in this State or any United States Postal
 162 Service employee, while in the actual performance of duties which
 163 specifically require regular and frequent visits to private premises,
 164 from possessing, carrying or using any device which projects, re-
 165 leases or emits any substance specified as being noninjurious to
 166 canines or other animals by the Commissioner of Health and which
 167 immobilizes only on a temporary basis and produces only tempo-
 168 rary physical discomfort through being vaporized or otherwise
 169 dispensed in the air for the sole purpose of repelling canine or other
 170 animal attacks.

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

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

178 i. Nothing in subsection d. of 2C:39-5 shall be construed to pre-
 179 vent any person who is 18 years of age or older and who has not
 180 been convicted of a felony, from possession for the purpose of
 181 personal self-defense of one pocket-sized device which contains
 182 and releases not more than three-quarters of an ounce of chemical
 183 substance not ordinarily capable of lethal use or of inflicting serious

184 bodily injury, but rather, is intended to produce temporary physical
185 discomfort or disability through being vaporized or otherwise
186 dispensed in the air. Any person in possession of any device in
187 violation of this subsection shall be deemed and adjudged to be a
188 disorderly person, and upon conviction thereof, shall be punished
189 by a fine of not less than \$100.00.

1 2. This act shall take effect immediately.

155 in a closed and fastened case, gunbox, securely tied package, or
156 locked in the trunk of the automobile in which it is being trans-
157 ported, and the course of travel shall include only such deviations
158 as are reasonably necessary under the circumstances.

159 h. Nothing in subsection d. of section 2C:39-5 shall be construed
160 to prevent any employee of a public utility, as defined in R. S.
161 48:2-13, doing business in this State or any United States Postal
162 Service employee, while in the actual performance of duties which
163 specifically require regular and frequent visits to private premises,
164 from possessing, carrying or using any device which projects, re-
165 leases or emits any substance specified as being noninjurious to
166 canines or other animals by the Commissioner of Health and which
167 immobilizes only on a temporary basis and produces only tempo-
168 rary physical discomfort through being vaporized or otherwise
169 dispensed in the air for the sole purpose of repelling canine or other
170 animal attacks.

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

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

178 i. Nothing in subsection d. of 2C:39-5 shall be construed to pre-
179 vent any person who is 18 years of age or older and who has not
180 been convicted of a felony, from possession for the purpose of
181 personal self-defense of one pocket-sized device which contains
182 and releases not more than three-quarters of an ounce of chemical
183 substance not ordinarily capable of lethal use or of inflicting serious
184 bodily injury, but rather, is intended to produce temporary physical
185 discomfort or disability through being vaporized or otherwise
186 dispensed in the air. Any person in possession of any device in
187 violation of this subsection shall be deemed and adjudged to be a
188 disorderly person, and upon conviction thereof, shall be punished
189 by a fine of not less than \$100.00.

1 2. This act shall take effect immediately.

STATEMENT

Currently, railway policemen may carry firearms while in the actual performance of their official duties and while going to or from their place of duty, but not when off-duty. This bill permits them to do so, both for their own protection and for the assistance they may voluntarily provide local law enforcement.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND
DEFENSE COMMITTEE

STATEMENT TO
SENATE, No. 1200

STATE OF NEW JERSEY

DATED: DECEMBER 8, 1983

The committee released this bill without recommendation.

The purpose of this bill is to permit railway police to carry firearms when off duty. Current law permits them to carry firearms when performing their duties and while going to and from their place of duty.

The Senate Law, Public Safety and Defense Committee amended the bill to incorporate training requirements for railway police. At least 280 hours of training would be required, including but not limited to training in the handling of firearms, community relations, and juvenile relations.

The State Police Benevolent Association provided an extensive summary of information regarding the training of these officers and maintained that the training of transit officers is comparable to that of regular officers. It was also stated by the P. B. A. that in New Jersey in 1982 transit police made 1266 adult arrests and 107 juvenile arrests.

The Attorney General's Office opposed this bill based on a policy which is against the expansion of the carrying of weapons by persons other than those as provided in the criminal code.

It was maintained by the Attorney General's Office that transit police do not need to carry weapons on a 24 hour basis and presently are authorized to carry them on the job and to and from their places of duty. The State's public policy is one which is generally opposed to the proliferation of weapons due to the risk factors which outweigh any advantage to be gained by the expanded use of weapons.

It is in consideration of the divergent views presented to the committee that the committee released this bill without recommendation.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO

SENATE, No. 1200

with Senate committee amendments

STATE OF NEW JERSEY

DATED: AUGUST 12, 1982

The purpose of this bill is to permit railway police to carry firearms when off duty. Current law permits them to carry firearms when performing their duties and while going to and from their place of duty.

The committee amended the bill to incorporate training requirements for railway police. At least 280 hours of training would be required, including but not limited to training in the handling of firearms, community relations, and juvenile relations.

A-3018, ET AL.

Tuesday, January 17, 1984

Page Two

Kean also signed the following bills.

A-4093, sponsored by Assemblyman Buddy Fortunato, D-Essex, to require the Department of Environmental Protection to provide written certification of safe levels of radon gas contamination to owners of homes where contamination has been detected. The bill is in response to the discovery of radon contamination in homes in Montclair, Glen Ridge and West Orange.

A-3667, sponsored by Assemblyman Joseph Bocchini, D-Mercer, to clarify the law which prohibits firms engaged in alcoholic beverage manufacturing or distilling from holding an interest in hotels or motels which hold liquor licenses.

S-1200, sponsored by Senator Wynona Lipman, D-Essex, to permit railway police officers to carry firearms while off duty provided they have passed an approved training program of at least 280 hours in the handling of firearms, community relations and juvenile relations.

S-1509, sponsored by Senator Herman Costello, D-Burlington, to permit any person who met the requirements for registration as a public accountant as of August 4, 1977, to apply for registration with the State Board of Certified Public Accountants.

S-2078, sponsored by Senator Walter Foran, R-Hunterdon, to permit the Board of Education of a type II school district to enter into negotiations for the sale of surplus school property if no acceptable bid was received at a public sale.

S-3776, sponsored by Senator Joseph Hirkala, D-Passaic, to permit the appointment of an additional municipal court judge in Passaic, Paterson and Clifton.

- more -