

20:39-6

LEGISLATIVE HISTORY CHECKLIST

NJSA 20:39-6 (Division of Taxation--special agents--handguns--permit)

LAWS 1981 CHAPTER 108

Bill No. A844

Sponsor(s) Herman and Stewart

Date Introduced Feb. 4, 1980

Committee: Assembly Judiciary, Law, Public Safety & Defense

Senate Law, Public Safety & Defense

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly April 17, 1980

Senate Feb. 2, 1981

Date of approval April 2, 1981

Following statements are attached if available:

Sponsor statement Yes ~~No~~ Also attached: Senate amendments, adopted 1-29-81 (with statement)

Committee Statement: Assembly ~~Yes~~ No

Senate ~~Yes~~ No

Fiscal Note ~~Yes~~ No

Veto Message ~~Yes~~ No

Message on signing Yes ~~No~~

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

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ASSEMBLY, No. 844

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 4, 1980

By Assemblymen HERMAN and STEWART

Referred to Committee on Judiciary, Law, Public Safety and Defense

AN ACT concerning the possession of certain weapons under certain circumstances 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
4 the National Guard while actually on duty, or while traveling
5 between places of duty and carrying authorized weapons in the
6 manner prescribed by the appropriate military authorities;

7 (2) Federal law enforcement officers, and any other Federal
8 officers and employees required to carry firearms in the perform-
9 ance 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 or his deputies, a correction officer
20 or keeper of any penal institution in this State or an employee of
21 the Department of Corrections engaged in the interstate trans-
22 portation of convicted offenders, while in the performance of his
23 duties, and when required to possess such a weapon by his superior
24 officer;

25 (6) A civilian employee of the United States Government under
26 the supervision of the commanding officer of any post, camp, sta-
27 tion, base or other military or naval installation located in this

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

28 State who is required, in the performance of his official duties, to
 29 carry firearms, and who is authorized to carry such firearms by
 30 said commanding officer, while in the actual performance of his
 31 official duties; or

32 (7) A regularly employed member, including a detective, of the
 33 police department of any county or municipality, or of any State,
 34 interstate, municipal or county park police force or boulevard
 35 police force, at all times while in the State of New Jersey, or a
 36 special policeman or airport security officer appointed by the gov-
 37 erning body of any county or municipality or by the commission,
 38 board or other body having control of a county park or airport or
 39 boulevard police force, while engaged in the actual performance
 40 of his official duties and when specifically authorized by the govern-
 41 ing body to carry weapons.

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

43 (1) A law enforcement officer employed by a governmental
 44 agency outside of the State of New Jersey while actually engaged
 45 in his official duties, provided, however, that he has first notified
 46 the superintendent or the chief law enforcement officer of the
 47 municipality or the prosecutor of the county in which he is
 48 engaged; or

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

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

55 (1) A **special agent of the Division of Taxation who has passed*
 56 *an examination in an approved police training program testing*
 57 *proficiency in the handling of any firearm which he may be required*
 57A *to carry or a* railway policeman ***[**or a special agent of the Division*
 57B *of Taxation**]****, while in the actual performance of his official duties
 57C and while going to or from his place of duty, a campus police officer
 58 appointed pursuant to P. L. 1970, c. 211 (C. 18A:6-4.2 et seq.) or
 59 any other police officer, while in the actual performance of his
 60 official duties;

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

65-66 (3) A full-time member of the marine patrol force or a special
67 marine patrolman authorized to carry such a weapon by the Com-
68 missioner of Environmental Protection, while in the actual per-
69 formance of his official duties;

70 (4) A court attendant serving as such under appointment by
71 the sheriff of the county or by the judge or magistrate of any
72 court of this State; while in the actual performance of his official
73 duties;

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

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

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

83 (8) An employee of a public utilities corporation actually en-
84 gaged in the transportation of explosives.

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

90 e. Nothing in subsections b., c. and d. of section 2C:39-5 shall
91 be construed to prevent a person keeping or carrying about his
92 place of business, residence, premises or other land owned or
93 possessed by him, any firearm, or from carrying the same, in the
94 manner specified in subsection g. of this section, from any place of
95 purchase to his residence or place of business between his dwellings
96 and his place of business, between one place of business or resi-
97 dence and another when moving, or between his dwelling or place
98 of business and place where such firearms are repaired, for the
99 purpose of repair. For the purposes of this section, a place of
100 business shall be deemed to be a fixed location.

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

103 (1) A member of any rifle or pistol club organized in accordance
104 with the rules prescribed by the National Board for the Promotion
105 of Rifle Practice, in going to or from a place of target practice,
106 carrying such firearms as are necessary for said target practice,
107 provided that the club has filed a copy of its charter with the super-

108.intendent and annually submits a list of its members to the
109 superintendent, and provided further that the firearms are carried
110 in the manner specified in subsection g. of this section;

111 (2) A person carrying a firearm or knife in the woods or fields
112 or upon the waters of this State for the purpose of hunting, target
113 practice or fishing, provided that the firearm or knife is legal and
114 appropriate for hunting or fishing purposes in this State and he
115 has in his possession a valid hunting license, or, with respect to
116 fresh water fishing, a valid fishing license;

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

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

121 (b) Directly to or from any target range, or other authorized
122 place for the purpose of practice, match, target, trap or skeet shoot-
123 ing exhibitions, provided in all cases that during the course of
124 such travel all firearms are carried in the manner specified in sub-
125 section g. of this section and the person has complied with all the
126 provisions and requirements of Title 23 of the Revised Statutes
127 and any amendments thereto and all rules and regulations promul-
128 gated thereunder:

129 (c) In the case of a firearm, directly to or from any exhibition
130 or display of firearms which is sponsored by any law enforcement
131 agency, any rifle or pistol club, or any firearms collectors club,
132 for the purpose of displaying of the firearms to the public or to the
133 members of such organization or club, provided, however, that not
134 less than 30 days prior to such exhibition or display, notice of such
135 exhibition or display shall be given to the Superintendent of the
136 State Police by the sponsoring organization or club, and the spon-
137 sor has complied with such reasonable safety regulations or the
138 superintendent may promulgate. Any firearms transported pur-
139 suant to this section must be transported in the manner specified
140 in paragraph g. of this section.

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

1 2. This act shall take effect immediately.

STATEMENT

This bill would give special agents of the Division of Taxation the right to carry guns while on duty, a right they had under the old gun law. These agents enforce the laws against cigarette smuggling and encounter dangerous situations. The Attorney General's office has warranted that the training and experience of these agents justifies this right.

A 844 (1981)

SENATE AMENDMENTS TO
ASSEMBLY, No. 844

STATE OF NEW JERSEY

ADOPTED JANUARY 29, 1981

Amend page 2, section 1, line 55, after "A", insert "special agent of the Division of Taxation who has passed an examination in an approved police training program testing his proficiency in the handling of any firearm which he may be required to carry or a"; after "policeman", omit "or a special agent of the Division of".

Amend page 2, section 1, line 56, omit "Taxation".

STATEMENT

This amendment would require special agents of the Division of Taxation who carry firearms to demonstrate their proficiency in the handling of any such firearms through an examination in an approved police training program.

A-1847, sponsored by Assemblyman William Bate (D-Passaic) which requires the Criminal Disposition Commission to report its findings annually rather than every six months, as the original legislation establishing the Commission required.

The Criminal Disposition Commission is a statutory agency composed of representatives of all sectors of the criminal justice system and the Legislature. Its purpose is to study and review all aspects of the system relating to the disposition of criminal offenders, including, but not limited to, terms of imprisonment, fines and other monetary punishments, parole, probation and supervisory treatment..

A-2068, sponsored by Assemblyman Martin Herman (D-Gloucester) which increases the maximum amount of local bonds which may be sold at a private sale from \$20,000 to \$100,000.

The \$20,000 figure was set in 1960, and this adjustment reflects increased costs due to inflation. In addition, the maximum larger offering results in a smaller overall percentage of the aggregate being used for advertising and legal costs of the sale.

A-2151, sponsored by Assemblyman Thomas Deverin (D-Union) which permits prosecuting agencies to donate forfeited weapons of military value to the National Guard Military Museum of New Jersey at Sea Girt.

A-844, also sponsored by Assemblyman Herman, which permits Special Agents of the Division of Taxation to carry guns while on duty only.

The agents enforce the laws against cigarette smuggling and can encounter dangerous situations. The agents had the right to carry guns on duty before the enactment of the new Penal Code, but due to a technical oversight in the writing of the code, that right was eliminated when the Code became effective.

Gov^ernor Byrne stressed when signing the bill that the agents were not permitted to carry guns off duty. They may carry guns while on duty only.

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