

2C:39-6

LEGISLATIVE HISTORY CHECKLIST

NJSA 2C:39-6 (Public utility and postal employees-- permit use of devices to repel animal attacks)

LAWS 1981 CHAPTER 219

Bill No. A917

Sponsor(s) Girgenti and Pellecchia

Date Introduced Feb. 11, 1980

Committee: Assembly Transportation and Communications

Senate Law, Public Safety and Defense

Amended during passage Yes ~~NOX~~ Amendments during passage denoted by asterisks.

Date of Passage: Assembly Nov. 10, 1980

Senate May 4, 1981

Date of approval July 20, 1981

Following statements are attached if available:

Sponsor statement	<u>Yes</u>	<del>NOX</del>	(Below)
Committee Statement: <u>Assembly</u>	<u>Yes</u>	<del>NOX</del>	Also attached: Senate amendment, adopted 3-23-81 (with statement)
<u>Senate</u>	<u>Yes</u>	<del>NOX</del>	

Fiscal Note YesX No

Veto Message YesX No

Message on signing YesX No

Following were printed:

Reports YesX No

Hearings YesX No

Sponsors' statement:

The purpose of this bill is to permit public utility employees to carry, while in the performance of their duties, tear gas devices designed to repel animal attacks.

6/22/81

[THIRD OFFICIAL COPY REPRINT]

ASSEMBLY, No. 917

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 11, 1980

By Assemblymen GIRGENTI and PELLECCIA

Referred to Committee on Transportation and Communications

AN ACT concerning the possession of weapons under certain circumstances and amending N. J. S. \***[2C:39-5]**\* \*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  
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;

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

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  
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 police  
35 force, at all times while in the State of New Jersey, or a special  
36 policeman appointed by the governing body of any county or  
37 municipality or by the commission, board or other body having  
38 control of a county park or boulevard police force, while engaged  
39 in the actual performance of his official duties and when specifically  
40 authorized by the governing body to carry weapons.

41 (8) County park police while engaged in the actual performance  
42 of their official duties.

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

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

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

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

57 (1) A railway policeman, while in the actual performance of his  
58 official duties and while going to or from his place of duty, a  
59 campus police officer appointed pursuant to P. L. 1970, c. 211  
60 (C. 18A:6-4.2 et seq.) or any other police officer, while in the actual  
61 performance of his official duties;

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

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 court  
72 of this State, while in the actual performance of his official duties;

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

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

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

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

84 d. Subsections c. and d. of section 2C:39-5 do not apply to an-  
85 tique firearms, provided that such antique firearms are unloaded  
86 or are being fired for the purposes of exhibition or demonstration  
87 at an authorized target range or in such other manner as has  
88 been approved in writing by the chief law enforcement officer of  
89 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 residence  
97 and another when moving, or between his dwelling or place of  
98 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; or

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, for  
 132 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 as the  
 138 superintendent may promulgate. Any firearms transported pur-  
 139 suant to this section must be transported in the manner specified  
 140 in subsection 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; or

147 h. *Nothing in subsection d. of section 2C:39-5 shall be construed*  
 148 *to prevent any employee of a public utility \***[corporation]**\* , as*  
 149 *defined in R. S. 48:2-13,\* doing business in this State \*or any United*  
 150 *States Postal Service employee\*, while in the actual performance*  
 150A *of duties which specifically require regular and frequent visits to*  
 151 *private premises, from **\*\*[keeping]\*\*** **\*\*possessing\*\***, carrying or*  
 152 *using **\*\*[a weapon or other]\*\*** **\*\*any\*\*** device which projects,*

153 releases or emits **tear gas, or** any **other** substance  
154 **intended to produce** **specified as being noninjurious to**  
155 canines or other animals by the Commissioner of Health and  
156 which immobilizes only on a temporary basis and produces only  
157 temporary physical discomfort **or permanent injury** through  
158 being vaporized or otherwise dispensed in the air **when the**  
159 device is possessed **for the sole** purpose of **defense**  
160 against **repelling** canine or other animal attacks.

161 **The device shall be used solely to repel only those canine or**  
162 other animal attacks when the canines or other animals are not  
163 restrained in a fashion sufficient to allow the employee to properly  
164 perform his duties.

165 Any device used pursuant to this act shall be selected from a list  
166 of **commercial** products **approved**, which  
167 consist of active and inert ingredients, permitted **by the Com-**  
168 **missioner of Health.**

1 2. This act shall take effect immediately.

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ASSEMBLY TRANSPORTATION AND COMMUNICATIONS  
COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 917**  
with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 12, 1980

The committee amended this bill to permit public utility employees and United States Postal Service employees, while in the actual performance of duties which specifically require regular and frequent visits to private premises, to carry and use tear gas or other devices designed to repel canine or other animal attacks. The bill was amended by the committee to assure that use of any such device produce no more than a temporary physical discomfort when employed in repelling canine or other animal attacks.

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SENATE LAW, PUBLIC SAFETY AND DEFENSE  
COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 917**  
with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: FEBRUARY 19, 1981

This bill permits public utility employees and United States Postal Service employees, while in the actual performance of duties which specifically require regular and frequent visits to private premises, to carry and use tear gas or other devices designed to repel canine or other animal attacks. The bill provides that use of any such device shall produce no more than a temporary physical discomfort when employed in repelling canine or other animal attacks.



SENATE AMENDMENT TO  
**ASSEMBLY, No. 917**  
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**STATE OF NEW JERSEY**

ADOPTED MARCH 23, 1981

Amend page 5, section 1, line 166, omit "commercial"; omit "approved", insert ", which consist of active and inert ingredients, permitted".

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STATEMENT

This bill permits public utility employees and United States Postal Service employees, while in the actual performance of duties requiring regular and frequent visits to private premises, to carry or use a device which projects, releases or emits a substance specified as being non-injurious to canines or other animals for the purpose of repelling attacks by such animals. The bill had been previously amended to eliminate use of tear gas or similar substances in such devices.

This amendment provides that any device used pursuant to this act shall be selected from a list of products, which consist of active and inert ingredients, permitted by the Commissioner of Health.