

R.S. 2A:151-43

October 17, 1971

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LEGISLATIVE HISTORY OF R.S.2A:151-43  
(Weapons-firearms dealers carry without a permit)

Previous bills (1968-1970)

1969 - A963 (Haelig & others).  
Died in Committee.

L. 1970, Chapter 245 - A78

Prefiled for introduction by Haelig & others.

March 23 - Passed in Assembly.

April 23 - Passed in Senate.

September 14 - Returned by Governor with recommended amendment.

September 17 - Re-enacted in Assembly as amended.

September 21 - Re-enacted in Senate.

October 28 - Approved, Chapter 245.

Amended during passage (copies enclosed of original bill and Governor's amendment).

Original bill has statement (cop. encl.).

No clippings found in V.F.--Firearms.

JH/PC

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# STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1970 SESSION

By Assemblymen HAELIG, GARIBALDI, MACRAE  
and KRAVARIK

AN ACT concerning the carrying of weapons without a permit by  
licensed retail dealers in firearms and certain of their employees  
and amending New Jersey Statutes 2A:151-43.

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

1 1. Section 2A:151-43 of the New Jersey Statutes is amended to  
2 read as follows:

3 2A:151-43. Section 2A:151-41 of this Title does not apply to:

4 a. The United States Marshal or his deputies;

5 b. Members of the Armed Forces of the United States or of the  
6 National Guard when on duty;

7 c. Any sheriff, undersheriff, county prosecutor, assistant prose-  
8 cutor or prosecutor's detective;

9 d. The regularly employed members, including detectives, of  
10 the police department of any county or municipality or of any  
11 State, interstate, municipal or county park police force or of any  
12 county boulevard police force at all times, while within the State  
13 of New Jersey, or any special policeman appointed by the govern-  
14 ing body of any county or municipality or by the commission or  
15 other board or body having control of any county park police  
16 force or any county boulevard police force while engaged in the  
17 actual performance of his official duties and when specifically au-  
18 thorized by the governing body to carry firearms;

19 e. Any member of the State Police, or any motor vehicle in-  
20 spector;

21 f. Any jailer, constable, railway police, or any other peace officer,  
22 when in discharge of his duties;

23 g. The members of the Fish and Game Council, or conservation  
24 officers, or full-time employees of the Division of Shell Fisheries  
25 having the power of arrest and authorized to carry weapons;

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

- 26 h. Any prison or jail wardens or their deputies, or any guard  
27 or keeper of any penal institution in this State, while engaged  
28 in the actual performance of the duties of their positions and  
29 when so required by their superior officers to carry firearms;
- 30 i. Any court attendant serving as such under appointment by  
31 the sheriff of the county or by the judge of or magistrate of any  
32 court of this State while in the performance of his duties;
- 33 j. (Deleted by amendment.)
- 34 k. Any guard in the employ of any railway express company,  
35 banking or building and loan or savings and loan institution of  
36 this State while in the performance of his duties;
- 37 l. Any officer of the society for the prevention of cruelty to  
38 animals while in the performance of his duties;
- 39 m. Any legally recognized military organization when under  
40 orders, or any member thereof when going to or from the place  
41 of meeting of the organization, carrying the weapons prescribed  
42 for drill, exercise or parade;
- 43 n. Persons having a hunter's license in going to or from places  
44 of hunting as set forth in section 2A :151-42;
- 45 o. Members of government or civilian rifle or pistol clubs duly  
46 organized in accordance with the rules prescribed by the National  
47 Board for the Promotion of Rifle Practice, in going to or from  
48 their several places of target practice and carrying weapons nec-  
49 essary for such practice; provided further that a copy of the char-  
50 ter is filed with the superintendent and a list of the members of  
51 the club is submitted annually to the superintendent;
- 52 p. The director, deputy directors, inspectors and investigators  
53 of the Division of Alcoholic Beverage Control in the Department  
54 of Law and Public Safety;
- 54A q. Employees of public utility corporations actually engaged in  
55 the transportation of explosives;
- 56 r. Any civil employee of the United States Government under  
57 the supervision of the commanding officer of any post, camp, sta-  
58 tion, base or other military or naval installation located within  
59 this State who is required, in the performance of his official duties,  
60 to carry firearms, and who is authorized to carry such firearms by  
61 said commanding officer, while such civil employee is engaged in  
62 the actual performance of his official duties; **[or]**
- 63 s. Law enforcement officers employed by governmental agencies  
64 outside of the State of New Jersey who are engaged in their official  
65 duties provided that they have first notified the chief law enforce-  
66 ment officer of the municipality or the county prosecutor of the  
67 county in which they are engaged or the superintendent**[.]**;

68 t. The full-time members of the marine patrol force of the  
69 Bureau of Navigation in the Department of Conservation and  
70 Economic Development while in the performance of their duties[.];  
71 or

72 u. *Licensed retail dealers in firearms and their registered employ-*  
73 *ees during the course of their normal business while traveling to*  
74 *and from their place of business and other places for the purpose*  
75 *of actual sale, demonstration, exhibition or delivery in connection*  
76 *with a sale; provided any such weapon so carried shall be unloaded*  
77 *and wrapped in a case, box or other container.*

1 2. This act shall take effect immediately.

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#### STATEMENT

The purpose of this bill is to allow retail firearm dealers to carry on their business in the normal manner, without subjecting them to possible arrest for carrying a firearm without a permit.

The dealers must be licensed in accord with section 2A:151-24 which requires fingerprinting and an investigation as thorough as that conducted in the case of applicants for gun permits or purchaser identification cards; therefore the exception made by this bill does not lessen the State's control over firearms. The bill has the approval of the Attorney General, and is partially the result of correspondence with the criminal investigation division.

ASSEMBLY AMENDMENT TO  
**ASSEMBLY, No. 78**

—•—  
**STATE OF NEW JERSEY**  
—•—

ADOPTED SEPTEMBER 14, 1970

Amend page 3, section 1, line 75, delete "actual sale,".

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

September 14, 1970

ASSEMBLY BILL NO. 78

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 78, with my objections, for reconsideration.

This bill would permit licensed retail dealers in firearms and their registered employees to carry weapons without permit during the course of their normal business while traveling to and from their place of business and other places for the purpose of actual sale, demonstration, exhibition, or delivery, in connection with a sale, provided any such weapon is unloaded and wrapped in a case, box, or other container.

The basic concept of this legislation is sound, since retail dealers of firearms must be licensed and meet the requirements of standards and qualifications prescribed by the Superintendent of State Police pursuant to Section 2A:151-24 of the New Jersey Statutes. Further, no such license shall be granted to a person who does not qualify for a permit to purchase firearms under Section 2A:151-33. With these safeguards, there exists no need to require such licensed dealers to further obtain permits to carry firearms in those situations set forth in the bill.

The bill as drafted, however, could be construed as permitting the sale of firearms outside of the registered place of business, contrary to Section 2A:151-24(a) of the New Jersey Statutes. Accordingly, I herewith return Assembly Bill No. 78 for reconsideration and with the recommendation that it be amended as follows:

Page 3, Section 1, Line 75: Delete "actual sale,".

Respectfully,

/s/ William T. Cahill

GOVERNOR

Attest:

/s/ Jean E. Mulford

Secretary to the Governor