

S3214 (ACS)

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

COMMITTEE STATEMENT: ASSEMBLY: No

SENATE: Yes Law & Public Safety
Budget & Appropri.

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

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end

§§1,4-7,9-11
C.2C:58-4.2
to 2C:58-4.9
§12
Note

P.L. 2022, CHAPTER 131, *approved December 22, 2022*
Assembly Committee Substitute for
Assembly, No. 4769

1 AN ACT concerning the sale and possession of firearms and
2 supplementing and amending various parts of the statutory law.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. (New section) The Legislature finds and declares that:

8 a. The decision of the United States Supreme Court in New
9 York State Rifle & Pistol Association v. Bruen holds significant
10 implications for carrying a handgun in New Jersey and the law
11 governing the issuance of permits to carry a handgun. The Bruen
12 decision establishes that states cannot deny permits to carry a
13 handgun to otherwise-qualified citizens who fail to show that they
14 have the “proper cause” to carry a handgun. New Jersey law relies
15 on a similar standard, considering whether an applicant has a
16 “justifiable need,” in determining whether to issue a permit to carry
17 a handgun.

18 b. In accordance with the precedent established in the Bruen
19 decision, laws requiring showings of particularized need are no
20 longer legally viable to determine whether a person may carry a
21 handgun in public. The Bruen decision does make clear, however,
22 that the Legislature can enact laws to protect our communities from
23 threats to public health, safety, and welfare posed by gun violence,
24 which take into account as appropriate the Supreme Court’s Second
25 Amendment ruling while continuing to promote and enhance public
26 safety.

27 c. Statistics show that expanding handgun carrying creates
28 safety risks, helping to fuel the epidemic of gun violence. For
29 example, a study by researchers at the Johns Hopkins Bloomberg
30 School of Public Health found that the estimated average rate of
31 officer-involved shootings increased by 12.9 percent in ten states
32 that relaxed restrictions between 2014 and 2020 on civilians
33 carrying concealed firearms in public. Accordingly, evidence
34 demonstrates that more guns on the streets can translate into more
35 acts of gun violence. To mitigate the impact of having more people
36 carrying guns in public places, steps must be taken to better ensure

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 underlined thus is new matter.

1 that those who exercise the right to carry are responsible, law-
2 abiding, and appropriately trained individuals who would not pose
3 undue safety risks if armed in public places.

4 d. In Bruen, the Supreme Court recognized that states may
5 prohibit individuals who are not “law-abiding, responsible citizens”
6 from carrying firearms in public, and endorsed the use of “licensing
7 requirements for carrying a handgun for self-defense.” Although the
8 Court did not provide a complete list of lawful requirements, it
9 specifically cited a “background check, mental health check, training
10 in firearms handling and in laws regarding the use of force, among
11 other possible requirements” as permissible. The purpose of these
12 checks, the Court explained, is to “ensure only that those bearing
13 arms in the jurisdiction are in fact, ‘law-abiding, responsible
14 citizens.’” It is thus important to bolster and improve the process in
15 this State for ensuring that only such individuals possess and carry
16 firearms. Toward that end, this act strengthens the criteria and
17 background investigation requirements that are used to determine
18 whether an applicant is qualified to carry a firearm in New Jersey.

19 e. This act also designates places in which the carrying of a
20 firearm or destructive device is prohibited. Previously, application
21 of the justifiable need standard minimized the serious dangers of
22 misuse and accidental use inherent in the carrying of handguns in a
23 public place. Given the likelihood that a much greater number of
24 individuals will now qualify to carry handguns in public, it is now
25 both necessary and appropriate to clearly identify in the law those
26 sensitive places where, due to heightened public safety concerns,
27 carrying a dangerous, potentially lethal device or weapon, including
28 a handgun, is not permissible. These prohibitions are based on
29 common sense principles and historical analogues.

30 f. Notwithstanding its rejection of a particularized need
31 standard, the Bruen decision recognizes that the carrying of
32 firearms in sensitive places can “be prohibited consistent with the
33 Second Amendment.” Indeed, the Court assumed it settled that
34 “laws forbidding the carrying of firearms in sensitive places such
35 as schools and government buildings,” as well as other places such
36 as “legislative assemblies, polling places, and courthouses,” are
37 “longstanding” and not subject to disputes regarding their
38 constitutionality. The Court added that other “sensitive place”
39 regulations may be permissible if “consistent with the Second
40 Amendment’s text and historical understanding” – that is,
41 “relevantly similar” to historical analogues.

42 g. The sensitive-place prohibitions on dangerous weapons set
43 forth in this act are rooted in history and tradition. They are
44 analogous to historical laws that can be found from the Founding
45 era to Reconstruction, which are also found in modern laws in many
46 states. History and tradition support at least the following location-
47 based restrictions on carrying firearms:

1 (1) Places that are the site of core constitutional activity, such as
2 but not limited to the exercise of First Amendment rights, or that
3 are otherwise vital to the functioning of democracy and our system
4 of government. That includes prohibitions of firearms in facilities
5 within the criminal justice system;

6 (2) Schools, universities, other educational institutions, where
7 people assemble for educational purposes and for the purposes of
8 teaching, learning, research, and the pursuit of knowledge;

9 (3) Parks and other recreation spaces, including locations where
10 children congregate;

11 (4) Locations that protect vulnerable classes of people, such as
12 the young and the frail;

13 (5) Places where intoxicating substances are sold, places where
14 large groups of individuals congregate, and places where volatile
15 conditions may pose a threat to public safety; and

16 (6) Various forms of transportation and public infrastructure,
17 whose safety, security, and stability are critical to supporting social
18 function.

19 h. The historical record also supports restriction of firearm
20 possession on private property when the owner has not given their
21 consent. Many states require a property owner's permission before
22 another may enter private dwellings and private lands with a
23 firearm or other weapons. Requiring consent from the property
24 owner before carrying weapons onto private property is also in line
25 with both the reasonable expectations and property rights of New
26 Jersey property owners.

27 i. Additionally, the fees to obtain a firearms purchaser
28 identification permit or a permit to purchase a handgun in New
29 Jersey were initially set by statute over 50 years ago at \$5 and \$2,
30 respectively, and in over a half century the law has never been
31 changed to increase these fees, notwithstanding the impact of
32 inflation, increasing costs of background checks and related
33 investigations, and the investment made over the years to
34 technologically upgrade the firearms application and registration
35 system established and maintained by the New Jersey State Police.

36 j. Accordingly, the Legislature finds it is necessary and proper
37 to revise this State's procedural and substantive laws related to
38 firearms to update the process and the standards applicable to
39 firearm purchase and possession as well as our handgun carry law,
40 and to continue to promote public safety and reduce gun violence in
41 a manner consistent with the Second Amendment principles
42 articulated by the current Supreme Court jurisprudence. These
43 revisions will focus on factors other than the need or purpose a
44 person may assert as justification to carry a handgun, such as the
45 person's background and qualifications, with the ultimate goal of
46 keeping New Jersey streets and neighborhoods safe from gun
47 violence.

1 2. N.J.S.2C:58-3 is amended to read as follows:

2 2C:58-3. a. Permit to purchase a handgun.

3 (1) **【No】** A person shall not sell, give, transfer, assign or
4 otherwise dispose of, nor receive, purchase, or otherwise acquire a
5 handgun unless the purchaser, assignee, donee, receiver or holder is
6 licensed as a dealer under this chapter or has first secured a permit
7 to purchase a handgun as provided by this section.

8 (2) A person who is not a licensed retail dealer and sells, gives,
9 transfers, assigns, or otherwise disposes of, or receives, purchases
10 or otherwise acquires a handgun pursuant to this section shall
11 conduct the transaction through a licensed retail dealer.

12 The provisions of this paragraph shall not apply if the transaction
13 is:

14 (a) between members of an immediate family as defined in
15 subsection n. of this section;

16 (b) between law enforcement officers;

17 (c) between collectors of firearms or ammunition as curios or
18 relics as defined in Title 18, U.S.C. section 921 (a) (13) who have
19 in their possession a valid Collector of Curios and Relics License
20 issued by the Bureau of Alcohol, Tobacco, Firearms, and
21 Explosives; or

22 (d) a temporary transfer pursuant to section 1 of P.L.1992, c.74
23 (C.2C:58-3.1) or section 1 of P.L.1997, c.375 (C.2C:58-3.2).

24 (3) Prior to a transaction conducted pursuant to this subsection,
25 the retail dealer shall complete a National Instant Criminal
26 Background Check of the person acquiring the handgun. In
27 addition:

28 (a) the retail dealer shall submit to the Superintendent of State
29 Police, on a form approved by the superintendent, information
30 identifying and confirming the background check;

31 (b) every retail dealer shall maintain a record of transactions
32 conducted pursuant to this subsection, which shall be maintained at
33 the address displayed on the retail dealer's license for inspection by
34 a law enforcement officer during reasonable hours;

35 (c) a retail dealer may charge a fee for a transaction conducted
36 pursuant to this subsection; and

37 (d) any record produced pursuant to this subsection shall not be
38 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et
39 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

40 b. Firearms purchaser identification card.

41 (1) **【No】** A person shall not sell, give, transfer, assign or
42 otherwise dispose of nor receive, purchase or otherwise acquire an
43 antique cannon or a rifle or shotgun, other than an antique rifle or
44 shotgun, unless the purchaser, assignee, donee, receiver or holder is
45 licensed as a dealer under this chapter or possesses a valid firearms
46 purchaser identification card, and first exhibits the card to the seller,
47 donor, transferor or assignor, and unless the purchaser, assignee,
48 donee, receiver or holder signs a written certification, on a form

1 prescribed by the superintendent, which shall indicate that **【he】** the
2 person presently complies with the requirements of subsection c. of
3 this section and shall contain **【his】** the person's name, address and
4 firearms purchaser identification card number or dealer's
5 registration number. The certification shall be retained by the
6 seller, as provided in paragraph (4) of subsection a. of N.J.S.2C:58-
7 2, or, in the case of a person who is not a dealer, it may be filed
8 with the chief **【of】** police officer of the municipality in which **【he】**
9 the person resides or with the superintendent.

10 (2) A person who is not a licensed retail dealer and sells, gives,
11 transfers, assigns, or otherwise disposes of, or receives, purchases
12 or otherwise acquires an antique cannon or a rifle or shotgun
13 pursuant to this section shall conduct the transaction through a
14 licensed retail dealer.

15 The provisions of this paragraph shall not apply if the transaction
16 is:

17 (a) between members of an immediate family as defined in
18 subsection n. of this section;

19 (b) between law enforcement officers;

20 (c) between collectors of firearms or ammunition as curios or
21 relics as defined in Title 18, U.S.C. section 921 (a) (13) who have
22 in their possession a valid Collector of Curios and Relics License
23 issued by the Bureau of Alcohol, Tobacco, Firearms, and
24 Explosives; or

25 (d) a temporary transfer pursuant to section 1 of P.L.1992, c.74
26 (C.2C:58-3.1) and section 1 of P.L.1997, c.375 (C.2C:58-3.2).

27 (3) Prior to a transaction conducted pursuant to this subsection,
28 the retail dealer shall complete a National Instant Criminal
29 Background Check of the person acquiring an antique cannon or a
30 rifle or shotgun. In addition:

31 (a) the retail dealer shall submit to the Superintendent of State
32 Police, on a form approved by the superintendent, information
33 identifying and confirming the background check;

34 (b) every retail dealer shall maintain a record of transactions
35 conducted pursuant to this section which shall be maintained at the
36 address set forth on the retail dealer's license for inspection by a law
37 enforcement officer during reasonable hours;

38 (c) a retail dealer may charge a fee, not to exceed \$70, for a
39 transaction conducted pursuant to this subsection; and

40 (d) any record produced pursuant to this subsection shall not be
41 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et
42 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

43 c. Who may obtain. **【No】** Except as hereinafter provided, a
44 person 【of good character and good repute】 shall not be denied a
45 permit to purchase a handgun or a firearms purchaser identification
46 card, unless the person is known in the community in which 【he】
47 the person lives as someone who has engaged in acts or made

1 statements suggesting the person is likely to engage in conduct,
2 other than justified self-defense, that would pose a danger to self or
3 others, [and who] or is [not] subject to any of the disabilities set
4 forth in this section or other sections of this chapter [, shall be
5 denied a permit to purchase a handgun or a firearms purchaser
6 identification card, except as hereinafter set forth]. [No] A
7 handgun purchase permit or firearms purchaser identification card
8 shall not be issued:

9 (1) To any person who has been convicted of : (a) any crime in
10 this State or its felony counterpart in any other state or federal
11 jurisdiction; or (b) a disorderly persons offense in this State
12 involving an act of domestic violence as defined in section 3 of
13 P.L.1991, c.261 (C.2C:25-19) or its felony or misdemeanor
14 counterpart involving an act of domestic violence as defined under
15 a comparable statute in any other state or federal jurisdiction,
16 whether or not armed with or possessing a weapon at the time of the
17 offense;

18 (2) To [any drug-dependent person as defined in section 2 of
19 P.L.1970, c.226 (C.24:21-2), to] any person who is presently
20 confined for a mental disorder [to a hospital, mental institution or
21 sanitarium] as a voluntary admission as defined in section 2 of
22 P.L.1987, c.116 (C.30:4-27.2) or who is presently involuntarily
23 committed to inpatient or outpatient treatment pursuant to [section
24 1 of] P.L.1987, c.116 (C.30:4-27.1 et seq.) [or to any person who is
25 presently an habitual drunkard];

26 (3) To any person who suffers from a physical defect or disease
27 which would make it unsafe for [him] that person to handle
28 firearms, [to any person who has ever been confined for a mental
29 disorder,] to any person with a substance use disorder involving
30 drugs as defined in section 2 of P.L.1970, c.226 (C.24:21-2), or to
31 any alcoholic as defined in section 2 of P.L.1975, c.305 (C.26:2B-8)
32 unless any of the foregoing persons produces a certificate of a
33 medical doctor, treatment provider, or psychiatrist licensed in New
34 Jersey, or other satisfactory proof, that [he] the person is no longer
35 suffering from that particular disability in a manner that would
36 interfere with or handicap [him] that person in the handling of
37 firearms; to any person who knowingly falsifies any information on
38 the application form for a handgun purchase permit or firearms
39 purchaser identification card;

40 (4) To any person under the age of 18 years for a firearms
41 purchaser identification card and to any person under the age of 21
42 years for a permit to purchase a handgun;

43 (5) To any person where the issuance would not be in the interest
44 of the public health, safety or welfare because the person is found to
45 be lacking the essential character of temperament necessary to be
46 entrusted with a firearm;

1 (6) To any person who is subject to or has violated a temporary
2 or final restraining order issued pursuant to the "Prevention of
3 Domestic Violence Act of 1991", P.L.1991, c.261 (C.2C:25-17 et
4 seq.) prohibiting the person from possessing any firearm or a
5 temporary or final domestic violence restraining order issued in
6 another jurisdiction prohibiting the person from possessing any
7 firearm;

8 (7) To any person who as a juvenile was adjudicated delinquent
9 for an offense which, if committed by an adult, would constitute a
10 crime and the offense involved the unlawful use or possession of a
11 weapon, explosive or destructive device or is enumerated in
12 subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2);

13 (8) To any person whose firearm is seized pursuant to the
14 "Prevention of Domestic Violence Act of 1991", P.L.1991, c.261
15 (C.2C:25-17 et seq.) and whose firearm has not been returned; or

16 (9) To any person named on the consolidated Terrorist Watchlist
17 maintained by the Terrorist Screening Center administered by the
18 Federal Bureau of Investigation;

19 (10) To any person who is subject to or has violated a court order
20 prohibiting the custody, control, ownership, purchase, possession,
21 or receipt of a firearm or ammunition issued pursuant to the
22 "Extreme Risk Protective Order Act of 2018", P.L.2018, c.35
23 (C.2C:58-20 et al.);

24 (11) To any person who is subject to or has violated a court order
25 prohibiting the custody, control, ownership, purchase, possession,
26 or receipt of a firearm or ammunition issued pursuant to P.L.2021,
27 c.327 (C.2C:12-14 et al.);

28 (12) To any person who is subject to or has violated a temporary
29 or final restraining order issued pursuant to the "Sexual Assault
30 Survivor Protection Act of 2015," P.L.2015, c.147 (C.2C:14-13 et
31 al.);

32 (13) To any person who has previously been voluntarily admitted
33 to inpatient treatment pursuant to P.L.1987, c.116 (C.30:4-27.1 et
34 seq.) or involuntarily committed to inpatient or outpatient treatment
35 pursuant to P.L.1987, c.116 (C.30:4-27.1 et seq.), unless the court
36 has expunged the person's record pursuant to P.L.1953, c.268
37 (C.30:4-80.8 et seq.);

38 (14) To any person who is subject to an outstanding arrest
39 warrant for an indictable crime in this State or for a felony, other
40 than a felony to which section 1 of P.L.2022, c.50 (C.2A:160-14.1)
41 would apply, in any other state or federal jurisdiction; or

42 (15) To any person who is a fugitive from justice due to having
43 fled from any state or federal jurisdiction to avoid prosecution for a
44 crime, other than a crime to which section 1 of P.L.2022, c.50
45 (C.2A:160-14.1) would apply, or to avoid giving testimony in any
46 criminal proceeding.

47 In order to obtain a permit to purchase a handgun or a firearms
48 purchaser identification card, the applicant shall demonstrate that,

1 within four years prior to the date of the application, the applicant
2 satisfactorily completed a course of instruction approved by the
3 superintendent in the lawful and safe handling and storage of
4 firearms. The applicant shall be required to demonstrate
5 completion of a course of instruction only once prior to obtaining
6 either a firearms purchaser identification card or the applicant's first
7 permit to purchase a handgun.

8 The applicant shall not be required to demonstrate completion of
9 a course of instruction in order to obtain any subsequent permit to
10 purchase a handgun, to replace an existing firearms purchaser
11 identification card, or to renew a firearms purchaser identification
12 card.

13 An applicant who is a law enforcement officer who has satisfied
14 the requirements of subsection j. of N.J.S.2C:39-6, a retired law
15 enforcement officer who has satisfied the requirements of
16 subsection l. of N.J.S.2C:39-6, or a veteran who was honorably
17 discharged as a member of the United States Armed Forces or
18 National Guard who received substantially equivalent training shall
19 not be required to complete the course of instruction required
20 pursuant to the provisions of this subsection.

21 A person who obtained a permit to purchase a handgun or a
22 firearms purchaser identification card prior to the effective date of
23 P.L.2022, c.58 shall not be required to complete a course of
24 instruction pursuant to this subsection.

25 d. Issuance. The chief **[of]** police officer of an organized full-
26 time police department of the municipality where the applicant
27 resides or the superintendent, in all other cases, shall upon
28 application, issue to any person qualified under the provisions of
29 subsection c. of this section a permit to purchase a handgun or a
30 firearms purchaser identification card.

31 A firearms purchaser identification card issued following the
32 effective date of P.L.2022, c.58 shall display a color photograph
33 and **[a thumb print]** be electronically linked to the fingerprints
34 of the card holder. A person who obtained a firearms purchaser
35 identification card prior to the effective date of P.L.2022, c.58 shall
36 not be required to obtain a **[firearm]** firearms purchaser
37 identification card that displays a color photograph and **[a thumb**
38 **print]** is electronically linked to fingerprints. The superintendent
39 shall establish guidelines as necessary to effectuate the issuance of
40 firearms purchaser identification cards that display a color
41 photograph and **[a thumb print]** which are electronically linked to
42 the fingerprints of the card holder.

43 The requirements of this subsection concerning firearms
44 purchaser identification cards issued following the effective date of
45 P.L.2022, c.58 shall remain inoperative until such time as the
46 superintendent establishes a system to produce cards that comply
47 with this requirement and, until such time, applicants issued a

1 firearms purchaser identification card shall be provided with cards
2 that do not conform to the requirements of this section, which shall
3 be afforded full force and effect until such time as the system is
4 established and a compliant card is issued in accordance with this
5 subsection. An applicant issued a non-compliant firearms purchaser
6 identification card shall obtain a card, at no cost to the applicant,
7 which conforms to the requirements of this section no later than one
8 year after receiving notice that the system to produce cards that
9 comply with this requirement is operational.

10 If an application for a permit or identification card is denied, the
11 applicant shall be provided with a written statement of the reasons
12 for the denial. Any person aggrieved by the denial of a permit or
13 identification card may request a hearing in the Superior Court of
14 the county in which **[he]** the person resides if **[he]** the person is a
15 resident of New Jersey or in the Superior Court of the county in
16 which **[his]** the person's application was filed if **[he]** the person is
17 a nonresident. The request for a hearing shall be made in writing
18 within 30 days of the denial of the application for a permit or
19 identification card. The applicant shall serve a copy of **[his]** the
20 request for a hearing upon the chief **[of]** police officer of the
21 municipality in which **[he]** the person resides, if **[he]** the person is
22 a resident of New Jersey, and upon the superintendent in all cases.
23 The hearing shall be held and a record made thereof within **[30]** 60
24 days of the receipt of the application for a hearing by the judge of
25 the Superior Court. No formal pleading and no filing fee shall be
26 required as a preliminary to a hearing. Appeals from the results of a
27 hearing shall be in accordance with law.

28 The Administrative Director of the Courts shall coordinate with
29 the superintendent in the development of an electronic filing system
30 to receive requests for hearings and serve the chief police officer
31 and superintendent as required in this section.

32 e. Applications. Applications for permits to purchase a
33 handgun and for firearms purchaser identification cards shall be in
34 the form prescribed by the superintendent and shall set forth the
35 name, residence, place of business, age, date of birth, occupation,
36 sex, any aliases or other names previously used by the applicant,
37 gender, and physical description, including distinguishing physical
38 characteristics, if any, of the applicant, and shall state whether the
39 applicant is a citizen, whether **[he]** the applicant is an alcoholic **[,**
40 habitual drunkard,] as defined in section 2 of P.L.1975, c. 305 (C.
41 26:2B-8) or is a drug-dependent person as defined in section 2 of
42 P.L.1970, c.226 (C.24:21-2), whether [he] the applicant has ever
43 been confined or committed to a mental institution or hospital for
44 treatment or observation of a mental or psychiatric condition on a
45 temporary, interim or permanent basis, giving the name and
46 location of the institution or hospital and the dates of confinement
47 or commitment, whether [he] the applicant has been attended,

1 treated or observed by any doctor or psychiatrist or at any hospital
2 or mental institution on an inpatient or outpatient basis for any
3 mental or psychiatric condition, giving the name and location of the
4 doctor, psychiatrist, hospital or institution and the dates of the
5 occurrence, whether **[he]** the applicant presently or ever has been a
6 member of any organization which advocates or approves the
7 commission of acts of force and violence to overthrow the
8 Government of the United States or of this State, or which seeks to
9 deny others their rights under the Constitution of either the United
10 States or the State of New Jersey, whether **[he]** the applicant has
11 ever been convicted of a crime or disorderly persons offense in this
12 State or felony or misdemeanor in any other state or federal
13 jurisdiction, whether the **[person]** applicant is subject to a
14 restraining order issued pursuant to the "Prevention of Domestic
15 Violence Act of 1991", P.L.1991, c.261 (C.2C:25-17 et seq.) or an
16 order entered under the provisions of a substantially similar statute
17 under the laws of another jurisdiction prohibiting the **[person]**
18 applicant from possessing any firearm, whether the applicant is
19 subject to a restraining order issued pursuant to the "Sexual Assault
20 Survivor Protection Act of 2015," P.L.2015, c.147 (C.2C:14-13 et
21 al.) or an order entered under the provisions of a substantially
22 similar statute under the laws of another jurisdiction, whether the
23 **[person]** applicant is subject to a protective order issued pursuant
24 to the "Extreme Risk Protective Order Act of 2018", P.L.2018, c.35
25 (C.2C:58-20 et al.), whether the **[person]** applicant is subject to a
26 protective order issued pursuant to P.L.2021, c.327 (C.2C:12-14 et
27 al.) prohibiting the **[person]** applicant from possessing any firearm,
28 and other information as the superintendent shall deem necessary
29 for the proper enforcement of this chapter. For the purpose of
30 complying with this subsection, the applicant shall waive any
31 statutory or other right of confidentiality relating to institutional
32 confinement. The application shall be signed by the applicant and
33 shall contain as references the names and addresses of two
34 reputable citizens personally acquainted with **[him]** the applicant.

35 An applicant for a permit to purchase a handgun shall also
36 certify, with respect to each handgun listed on the form, whether the
37 applicant is purchasing the handgun on the applicant's own behalf
38 or, if not, that the purchase is being made on behalf of a third party
39 to whom the applicant may lawfully transfer the handgun.

40 Application blanks shall be obtainable from the superintendent,
41 from any other officer authorized to grant a permit or identification
42 card, and from licensed retail dealers, or shall be made available
43 through an online process established or made available by the
44 superintendent.

45 The chief police officer or the superintendent shall obtain the
46 fingerprints of the applicant and shall have them compared with any
47 and all records of fingerprints in the municipality and county in

1 which the applicant resides and also the records of the State Bureau
2 of Identification and the Federal Bureau of Investigation, provided
3 that an applicant for a handgun purchase permit who possesses a
4 valid firearms purchaser identification card, or who has previously
5 obtained a handgun purchase permit from the same licensing
6 authority for which ~~he~~ the applicant was previously fingerprinted,
7 and who provides other reasonably satisfactory proof of ~~his~~ the
8 applicant's identity, need not be fingerprinted again; however, the
9 chief police officer or the superintendent shall proceed to
10 investigate the application to determine whether or not the applicant
11 has become subject to any of the disabilities set forth in this
12 chapter.

13 f. Granting of permit or identification card; fee; term; renewal;
14 revocation. The application for the permit to purchase a handgun
15 together with a fee of ~~2~~ \$25, or the application for the firearms
16 purchaser identification card together with a fee of ~~5~~ \$50, shall
17 be delivered or forwarded to the licensing authority who, upon
18 determining that the application is complete, shall investigate the
19 same and, ~~unless good cause for the denial thereof appears~~
20 provided the requirements of this section are met, shall grant the
21 permit or the identification card, or both, if application has been
22 made therefor, within 30 days from the date of receipt of the
23 completed application for residents of this State and within 45 days
24 for nonresident applicants. A permit to purchase a handgun shall be
25 valid for a period of 90 days from the date of issuance and may be
26 renewed by the issuing authority for good cause for an additional 90
27 days. A firearms purchaser identification card issued or renewed
28 after the effective date of P.L.2022, c.58 shall expire during the
29 tenth calendar year following its date of issuance and on the same
30 calendar day as the person's date of birth.

31 If the date of birth of the firearms purchaser identification card
32 holder does not correspond to a calendar day of the tenth calendar
33 year, the card shall expire on the last day of the birth month of the
34 card holder.

35 A firearms purchaser identification card issued pursuant to this
36 section may be renewed upon filing of a renewal application and
37 payment of the required fee, provided that the holder is not subject
38 to any of the disabilities set forth in subsection c. of this section and
39 complies with all other applicable requirements as set forth in
40 statute and regulation. If an application for renewal of a firearms
41 purchaser identification card is denied, the applicant shall be
42 provided with a written statement of the reasons for the denial. Any
43 person aggrieved by the denial of an application for renewal of a
44 firearms purchaser identification card may request a hearing in the
45 Superior Court of the county in which the person resides if the
46 person is a resident of New Jersey or in the Superior Court of the
47 county in which the person's application was filed if the person is a

1 nonresident. The request for a hearing shall be made in writing
2 within 30 days of the denial of the application for renewal of the
3 firearms purchaser identification card. The applicant shall serve a
4 copy of the request for a hearing upon the chief police officer of the
5 municipality in which the applicant resides, if the person is a
6 resident of New Jersey, and upon the superintendent in all cases.
7 The hearing shall be held and a record made thereof within 60 days
8 of the receipt of the application for a hearing by the judge of the
9 Superior Court. A formal pleading and filing fee shall not be
10 required as a preliminary to a hearing. Appeals from the results of a
11 hearing shall be in accordance with law.

12 The Administrative Director of the Courts shall coordinate with
13 the superintendent in the development of an electronic filing system
14 to receive requests for hearings and serve the chief police officer
15 and superintendent as required in this section.

16 A firearms purchaser identification card issued prior to the
17 effective date of P.L.2022, c.58 shall not expire.

18 A firearms purchaser identification card shall be void if the
19 holder becomes subject to any of the disabilities set forth in
20 subsection c. of this section, whereupon the card shall be returned
21 within five days by the holder to the superintendent, who shall then
22 advise the licensing authority. Failure of the holder to return the
23 firearms purchaser identification card to the superintendent within
24 the five days shall be an offense under subsection a. of N.J.S.2C:39-
25 10. Any firearms purchaser identification card may be revoked by
26 the Superior Court of the county wherein the card was issued, after
27 hearing upon notice, upon a finding that the holder thereof no
28 longer qualifies for the issuance of the permit. The county
29 prosecutor of any county, the chief police officer of any
30 municipality or any citizen may apply to the court at any time for
31 the revocation of the card.

32 There shall be no conditions or requirements added to the form
33 or content of the application, or required by the licensing authority
34 for the issuance or renewal of a permit or identification card, other
35 than those that are specifically set forth in this chapter.

36 g. Disposition of fees. All fees for permits shall be paid to the
37 State Treasury for deposit into the Victims of Crime Compensation
38 Office account if the permit is issued by the superintendent, to the
39 municipality if issued by the chief **【of】** police officer, and to the
40 county treasurer if issued by the judge of the Superior Court.

41 h. Form of permit; **【quadruplicate】** establishment of a web
42 portal; disposition of **【copies】** the completed information. (1)
43 Except as otherwise provided in paragraph (2) of this subsection,
44 the permit shall be in the form prescribed by the superintendent and
45 shall be issued to the applicant **【in quadruplicate】** electronically
46 through e-mail or the web portal established or designated for this
47 purpose by the superintendent or in such form or manner as may be

1 authorized by the superintendent. Prior to the time **【he】** the
2 applicant receives the handgun from the seller, the applicant shall
3 **【deliver】** provide to the seller an acknowledgement of the permit in
4 **【quadruplicate】** the form required under the process established by
5 the superintendent, and the seller shall complete all of the
6 information required on the **【form】** web portal. **【Within five days**
7 **of the date of the sale, the seller shall forward the original copy】**
8 This information shall be forwarded to the superintendent through
9 the web portal, or in such other manner as may be authorized by the
10 superintendent, and **【the second copy】** to the chief **【of】** police
11 officer of the municipality in which the purchaser resides, except
12 that in a municipality having no chief **【of】** police officer, **【the**
13 **copy】** the information shall be forwarded to the superintendent.
14 The **【third copy shall then be returned to the】** purchaser **【with the**
15 **pistol or revolver】** shall retain a copy of the completed information
16 and the **【fourth copy shall be kept by the】** seller shall retain a copy
17 of the completed information as a permanent record.

18 A transfer of a handgun between or among immediate family
19 members, law enforcement officers, or collectors of firearms or
20 ammunition as curios or relics shall be conducted via the web portal
21 established or designated by the superintendent, which shall include
22 among other things a certification that the seller and purchaser are
23 in fact immediate family members, law enforcement officers, or
24 collectors of firearms or ammunition as curios or relics.

25 (2) The requirements of this subsection concerning the delivery
26 and form of permit and disposition of copies shall not be applicable
27 when these functions may be completed by utilizing an electronic
28 system as described in paragraph (2) of subsection b. of
29 N.J.S.2C:58-2 or section 5 of P.L.2022, c.55 (C.2C:58-3.3a).

30 i. Restriction on number of firearms person may purchase.
31 Only one handgun shall be purchased or delivered on each permit
32 and no more than one handgun shall be purchased within any 30-
33 day period, but this limitation shall not apply to:

34 (1) a federal, State, or local law enforcement officer or agency
35 purchasing handguns for use by officers in the actual performance
36 of their law enforcement duties;

37 (2) a collector of handguns as curios or relics as defined in Title
38 18, United States Code, section 921 (a) (13) who has in **【his】** the
39 collector's possession a valid Collector of Curios and Relics
40 License issued by the federal Bureau of Alcohol, Tobacco, Firearms
41 and Explosives;

42 (3) transfers of handguns among licensed retail dealers,
43 registered wholesale dealers and registered manufacturers;

44 (4) transfers of handguns from any person to a licensed retail
45 dealer or a registered wholesale dealer or registered manufacturer;

46 (5) any transaction where the person has purchased a handgun
47 from a licensed retail dealer and has returned that handgun to the

1 dealer in exchange for another handgun within 30 days of the
2 original transaction, provided the retail dealer reports the exchange
3 transaction to the superintendent; or

4 (6) any transaction where the superintendent issues an exemption
5 from the prohibition in this subsection pursuant to the provisions of
6 section 4 of P.L.2009, c.186 (C.2C:58-3.4).

7 The provisions of this subsection shall not be construed to afford
8 or authorize any other exemption from the regulatory provisions
9 governing firearms set forth in chapter 39 and chapter 58 of Title
10 2C of the New Jersey Statutes;

11 A person shall not be restricted as to the number of rifles or
12 shotguns **[he]** the person may purchase, provided **[he]** the person
13 possesses a valid firearms purchaser identification card and
14 provided further that **[he]** the person signs the certification required
15 in subsection b. of this section for each transaction.

16 j. Firearms passing to heirs or legatees. Notwithstanding any
17 other provision of this section concerning the transfer, receipt or
18 acquisition of a firearm, a permit to purchase or a firearms
19 purchaser identification card shall not be required for the passing of
20 a firearm upon the death of an owner thereof to **[his]** the owner's
21 heir or legatee, whether the same be by testamentary bequest or by
22 the laws of intestacy. The person who shall so receive, or acquire
23 the firearm shall, however, be subject to all other provisions of this
24 chapter. If the heir or legatee of the firearm does not qualify to
25 possess or carry it, **[he]** the heir or legatee may retain ownership of
26 the firearm for the purpose of sale for a period not exceeding 180
27 days, or for a further limited period as may be approved by the chief
28 law enforcement officer of the municipality in which the heir or
29 legatee resides or the superintendent, provided that the firearm is in
30 the custody of the chief law enforcement officer of the municipality
31 or the superintendent during that period.

32 k. Sawed-off shotguns. Nothing in this section shall be
33 construed to authorize the purchase or possession of any sawed-off
34 shotgun.

35 l. Nothing in this section and in N.J.S.2C:58-2 shall apply to
36 the sale or purchase of a visual distress signalling device approved
37 by the United States Coast Guard, solely for possession on a private
38 or commercial aircraft or any boat; provided, however, that no
39 person under the age of 18 years shall purchase nor shall any person
40 sell to a person under the age of 18 years a visual distress signalling
41 device.

42 m. The provisions of subsections a. and b. of this section and
43 paragraphs (4) and (5) of subsection a. of N.J.S.2C:58-2 shall not
44 apply to the purchase of firearms by a law enforcement agency for
45 use by law enforcement officers in the actual performance of the
46 **[current or former judge's]** officers' official duties, which purchase

1 may be made directly from a manufacturer or from a licensed dealer
2 located in this State or any other state.

3 n. For the purposes of this section, "immediate family" means a
4 spouse, domestic partner as defined in section 3 of P.L.2003, c.246
5 (C.26:8A-3), partner in a civil union couple as defined in section 2
6 of P.L.2006, c.103 (C.37:1-29), parent, stepparent, grandparent,
7 sibling, stepsibling, child, stepchild, and grandchild, as related by
8 blood or by law.

9 o. Registration of handguns owned by new residents. Any
10 person who becomes a resident of this State following the effective
11 date of P.L.2022, c.52 and who transports into this State a firearm
12 that the person owned or acquired while residing in another state
13 shall apply for a **[firearm]** firearms purchaser identification card
14 within 60 days of becoming a New Jersey resident, and shall
15 register any handgun so transported into this State within 60 days as
16 provided in this subsection.

17 A person who registers a handgun pursuant to this subsection
18 shall complete a registration statement, which shall be in a form
19 prescribed by the superintendent. The information provided in the
20 registration statement shall include, but shall not be limited to, the
21 name and address of the person and the make, model, and serial
22 number of the handgun being registered. Each registration
23 statement shall be signed by the person, and the signature shall
24 constitute a representation of the accuracy of the information
25 contained in the registration statement.

26 The registration statement shall be submitted to the law
27 enforcement agency of the municipality in which the person resides
28 or, if the municipality does not have a municipal law enforcement
29 agency, any State Police station.

30 Within 60 days prior to the effective date of P.L.2022, c.52, the
31 superintendent shall prepare the form of registration statement as
32 described in this subsection and shall provide a suitable supply of
33 statements to each organized full-time municipal police department
34 and each State Police station.

35 A person who fails to apply for a **[firearm]** firearms purchaser
36 identification card or register a handgun as required pursuant to this
37 subsection shall be granted 30 days to comply with the provisions
38 of this subsection. If the person does not comply within 30 days,
39 the person shall be liable to a civil penalty of \$250 for a first
40 offense and shall be guilty of a disorderly persons offense for a
41 second or subsequent offense.

42 If a person is in possession of multiple firearms or handguns in
43 violation of this subsection, the person shall be guilty of one
44 offense under this subsection provided the violation is a single
45 event.

46 The civil penalty shall be collected pursuant to the "Penalty
47 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) in
48 a summary proceeding before the municipal court having

1 jurisdiction. A law enforcement officer having enforcement
2 authority in that municipality may issue a summons for a violation,
3 and may serve and execute all process with respect to the
4 enforcement of this subsection consistent with the Rules of Court.

5 p. A chief police officer or the superintendent may delegate to
6 subordinate officers or employees of the law enforcement agency
7 the responsibilities established pursuant to this section.

8 (cf: P.L.2022, c.58, s.1)

9

10 3. N.J.S.2C:58-4 is amended to read as follows:

11 2C:58-4. a. Scope and duration of authority. Any person who
12 holds a valid permit to carry a handgun issued pursuant to this
13 section shall be authorized to carry a handgun in a holster concealed
14 on their person in all parts of this State, except as prohibited by
15 subsection e. of N.J.S.2C:39-5 and section 7 of P.L. , c. (C.)
16 (pending before the Legislature as this bill). One permit shall be
17 sufficient for all handguns owned by the holder thereof, but the
18 permit shall apply only to a handgun carried by the actual and legal
19 holder of the permit and, except as otherwise provided in subsection
20 b. of section 6 of P.L. , c. (C.)(pending before the
21 Legislature as this bill), shall not be construed to authorize a holder
22 to carry a handgun openly, provided that a brief, incidental
23 exposure of a handgun while transferring it to or from a holster or
24 due to the shifting of the person's body position or clothing shall be
25 deemed a de minimis infraction within the contemplation of
26 N.J.S.2C:2-11.

27 All permits to carry handguns shall expire two years from the
28 date of issuance or, in the case of an employee of an armored car
29 company, upon termination of **【his】** the employee's employment by
30 the company occurring prior thereto whichever is earlier in time,
31 and they may thereafter be renewed every two years in the same
32 manner and subject to the same conditions as in the case of original
33 applications.

34 b. Application forms. All applications for permits to carry
35 handguns, and all applications for renewal of permits, shall be made
36 on the forms and in the manner prescribed by the superintendent.
37 Each application shall set forth the full name, date of birth, sex,
38 residence, occupation, place of business or employment, any aliases
39 or other names previously used by the applicant, and physical
40 description of the applicant, and any other information the
41 superintendent may prescribe for the determination of the
42 applicant's eligibility for a permit and for the proper enforcement of
43 this chapter. The application shall be signed by the applicant under
44 oath, and shall be **【indorsed】** endorsed by **【three】** not less than four
45 reputable persons who are not related by blood or by law to the
46 applicant and have known the applicant for at least three years
47 preceding the date of application, and who shall certify thereon that
48 the applicant **【is a person of good moral character and behavior】**

1 has not engaged in any acts or made any statements that suggest the
2 applicant is likely to engage in conduct, other than lawful self-
3 defense, that would pose a danger to the applicant or others. The
4 reputable persons also shall provide relevant information supporting
5 the certification, including the nature and extent of their
6 relationship with the applicant and information concerning their
7 knowledge of the applicant's use of drugs or alcohol.

8 c. Investigation and approval. Each application shall be
9 accompanied by a \$200 application fee and shall in the first
10 instance be submitted to the chief police officer of the municipality
11 in which the applicant resides, or to the superintendent **[,]** if: (1)
12 **[if]** the applicant is an employee of an armored car company **[,**
13 **or]** ; (2) **[if]** there is no chief police officer in the municipality
14 where the applicant resides **[, or]** ; (3) **[if]** the applicant does not
15 reside in this State; or (4) the applicant is a mayor or other elected
16 member of the municipal governing body.

17 In the case of an application made to the chief police officer of a
18 municipality, \$150 of the fee shall be retained by the municipality
19 and the remaining \$50 shall be forwarded to the superintendent.
20 The fee amount retained by the municipality shall be used to defray
21 the costs of investigation, administration, and processing of the
22 permit to carry handgun applications. Application fees made to the
23 superintendent shall be deposited into the Victims of Crime
24 Compensation Office account.

25 The chief police officer, or the superintendent, as the case may
26 be, shall determine whether the application is complete and, if so,
27 shall cause the fingerprints of the applicant to be taken and
28 compared with any and all records maintained by the municipality,
29 the county in which it is located, the State Bureau of Identification
30 and the Federal Bureau of Identification or; for an applicant who
31 previously submitted fingerprints in order to apply for a firearms
32 purchaser identification card or a permit to purchase a handgun in
33 accordance with N.J.S.2C:58-3 or a permit to carry a handgun in
34 accordance with this section, may solicit such other identification
35 information as may be authorized by the superintendent for the
36 conduct of a comparable criminal record check. **[He]** The chief
37 police officer or the superintendent, as the case may be, shall also
38 determine and record a complete description of each handgun the
39 applicant intends to carry. The chief police officer, or the
40 superintendent, as the case may be, shall interview the applicant and
41 the persons endorsing the application under subsection b. of this
42 section, and shall make inquiry concerning, and investigate to the
43 extent warranted, whether the applicant is likely to engage in
44 conduct that would result in harm to the applicant or others,
45 including, but not limited to, whether the applicant has any history
46 of threats or acts of violence by the applicant directed toward self or
47 others or any history of use, attempted use, or threatened use of

1 physical force by the applicant against another person, or other
2 incidents implicating the disqualifying criteria set forth in
3 subsection c. of N.J.S.2C:58-3, including but not limited to
4 determining whether the applicant has been subject to any recent
5 arrests or criminal charges for disqualifying crimes or has been
6 experiencing any mental health issues such as suicidal ideation or
7 violent impulses, and the applicant's use of drugs or alcohol.

8 The chief police officer or the superintendent may require such
9 other information from the applicant or any other person, including
10 but not limited to publicly available statements posted or published
11 online by the applicant, as the chief police officer or superintendent
12 deems reasonably necessary to conduct the review of the
13 application.

14 **【No】** An application shall not be approved by the chief police
15 officer or the superintendent unless the applicant demonstrates that
16 **【he】** the applicant is not subject to any of the disabilities set forth
17 in subsection c. of N.J.S.2C:58-3, that 【he】 the applicant is
18 thoroughly familiar with the safe handling and use of handguns,
19 including providing proof of completion of any training or
20 proficiency requirements established under the law, and that 【he
21 has a justifiable need to carry a handgun】 the applicant is in
22 compliance with the liability insurance requirement of section 4 of
23 P.L. , c. (C.)(pending before the Legislature as this bill).

24 **【Each application form shall be accompanied by a written**
25 **certification of justifiable need to carry a handgun, which shall be**
26 **under oath and, in the case of a private citizen, shall specify in**
27 **detail the urgent necessity for self-protection, as evidenced by**
28 **specific threats or previous attacks which demonstrate a special**
29 **danger to the applicant's life that cannot be avoided by means other**
30 **than by issuance of a permit to carry a handgun. Where possible,**
31 **the applicant shall corroborate the existence of any specific threats**
32 **or previous attacks by reference to reports of the incidents to the**
33 **appropriate law enforcement agencies.**

34 **【If】** Once the application is 【not approved】 deemed complete by
35 the chief police officer or the superintendent , if it is not approved
36 or denied by the chief police officer or the superintendent within
37 **【60】** 90 days of filing, it shall be deemed to have been approved
38 **【unless the applicant agrees】; provided, however, the chief police**
39 **officer or the superintendent may, for good cause shown and upon**
40 **written notification to the applicant, extend by up to an additional**
41 **30 days the time period for which the application may be approved**
42 **or denied. The written notification sent to the applicant shall**
43 **provide a detailed explanation of the reasons for the extension. An**
44 **applicant also may agree in writing to an additional extension of**
45 **time 【in writing】 past the 120 day statutory time frame.**

1 A chief police officer or the superintendent may delegate to
2 subordinate officers or employees of the law enforcement agency
3 the responsibilities established pursuant to this section.

4 d. Issuance **【by Superior Court; fee】** of permit; establishment
5 of web portal; disposition of completed information. If the
6 application has been approved by the chief police officer or the
7 superintendent, as the case may be, the **【applicant shall forthwith**
8 **present it to the Superior Court of the county in which the applicant**
9 **resides, or to the Superior Court in any county where he intends to**
10 **carry a handgun, in the case of a nonresident or employee of an**
11 **armored car company. The court shall】** chief police officer or the
12 superintendent shall issue the permit to the applicant in the form
13 prescribed by the superintendent.

14 The permit shall be issued to the applicant electronically through
15 electronic mail or through the web portal established or designated
16 for this purpose by the superintendent, or in such form or manner as
17 may be authorized by the superintendent, if, but only if, 【it is
18 satisfied】 the chief police officer or superintendent determines that
19 the applicant:

20 (1) **【is a person of good character】** has not engaged in any acts
21 or made any statements that suggest the applicant is likely to
22 engage in conduct, other than lawful self-defense, that would pose a
23 danger to the applicant or others and 【who】 is not subject to any of
24 the disabilities set forth in subsection c. of N.J.S.2C:58-3 【, that he
25 is】 ;

26 (2) is thoroughly familiar with the safe handling and use of
27 handguns 【,】 ; 【and that he has a justifiable need to carry a
28 handgun in accordance with the provisions of subsection c. of this
29 section. The court may at its discretion issue a limited-type permit
30 which would restrict the applicant as to the types of handguns he
31 may carry and where and for what purposes the handguns may be
32 carried】

33 (3) has completed the training requirements established pursuant
34 to subsection g. of this section, provided that any requirement for
35 classroom instruction and target training shall not be required for a
36 renewal applicant who completed the instruction and training when
37 obtaining a permit to carry a handgun issued within the previous
38 two years; and

39 (4) is in compliance with the liability insurance requirement of
40 section 4 of P.L. , c. (C.)(pending before the Legislature as this
41 bill).

42 **【At the time of issuance, the applicant shall pay to the county**
43 **clerk of the county where the permit was issued a permit fee of**
44 **\$20.】**

45 The provisions of this section requiring the issuance of a permit to
46 carry a handgun utilizing the web portal established pursuant to this
47 subsection and requiring the superintendent or chief police officer to

1 determine that an applicant has completed the training requirement
2 pursuant to subsection c. of this section and paragraph (3) of this
3 subsection and is in compliance with the liability insurance
4 requirements pursuant to subsection c. of this section and paragraph
5 (4) of this subsection shall remain inoperative until the first day of the
6 seventh month next following the date of enactment of P.L. _____,
7 c. _____ (C. _____) (pending before the Legislature as this bill).

8 e. Appeals from denial of applications. An applicant who is
9 denied a permit to carry a handgun shall be provided with a written
10 statement of the reasons for the denial. Any **person** applicant
11 aggrieved by the denial by the chief police officer or the
12 superintendent of approval for a permit to carry a handgun may
13 request a hearing in the Superior Court of the county in which **he**
14 the applicant resides or in any county in which **he** the applicant
15 intends to carry a handgun, in the case of a nonresident, by filing a
16 written request for a hearing within 30 days of the denial. **Copies**
17 The aggrieved applicant shall serve copies of the request **shall be**
18 **served** upon the superintendent, the county prosecutor, and the
19 chief police officer of the municipality where the applicant resides,
20 if **he** the applicant is a resident of this State. The hearing shall be
21 held within **30** 60 days of the filing of the request, and no formal
22 pleading or filing fee shall be required. Appeals from the
23 determination at the hearing shall be in accordance with law and the
24 rules governing the courts of this State.

25 **If** the superintendent or chief police officer approves an
26 application and the Superior Court denies the application and
27 refuses to issue a permit, the applicant may appeal the denial in
28 accordance with law and the rules governing the courts of this
29 State.]

30 The Administrative Director of the Courts shall coordinate with
31 the superintendent in the development of an electronic filing system
32 to receive requests for hearings and serve the chief police officer
33 and superintendent as required in this section.

34 f. Revocation of permits. Any permit issued under this section
35 shall be void at the time the holder thereof becomes subject to any
36 of the disabilities set forth in subsection c. of N.J.S.2C:58-3, and
37 the holder of a void permit shall immediately surrender the permit
38 to the superintendent who shall give notice to the licensing
39 authority. Any permit may be revoked by the Superior Court, after
40 hearing upon notice to the holder, if the court finds that the holder
41 is no longer qualified for the issuance of a permit. The county
42 prosecutor of any county, the chief police officer of any
43 municipality, the superintendent, or any citizen may apply to the
44 court at any time for the revocation of any permit issued pursuant to
45 this section.

46 g. Training requirement. (1) On or prior to the first day of the
47 seventh month following the enactment of P.L. _____, c. _____ (C. _____)

1 (pending before the Legislature as this bill), the superintendent shall
2 establish training requirements in the lawful and safe handling and
3 storage of firearms, which shall consist of an online course of
4 instruction, in-person classroom instruction, and target training
5 administered by a certified firearm instructor on a firing range
6 approved by the superintendent and on the list of approved ranges
7 published on the State Police website. The training shall include, but
8 not be limited to, demonstration of a level of proficiency in the use of
9 a handgun in such manner as required by the superintendent and
10 training, developed or approved in conjunction with the Police
11 Training Commission, on justification in the use of deadly force
12 under State law.

13 (2) A person who obtained a permit pursuant to this section prior to
14 the first day of the seventh month following the date of enactment
15 of P.L. _____, c. _____ (C. _____) (pending before the Legislature as this bill) and
16 which permit is not scheduled to expire until at least one year
17 following the enactment of P.L. _____, c. _____ (C. _____) (pending before the
18 Legislature as this bill) shall comply with the training requirement
19 established pursuant to this subsection no later than the first day of
20 the tenth month following the date of enactment of P.L. _____,
21 c. _____ (C. _____) (pending before the Legislature as this bill).

22 h. For purposes of this section, “holster” means a device or
23 sheath that securely retains a handgun which, at a minimum,
24 conceals and protects the main body of the firearm, maintains the
25 firearm in a consistent and accessible position, and renders the
26 trigger covered and inaccessible while the handgun is fully seated in
27 the holster.

28 (cf: P.L.2018, c.37, s.1)

29

30 4. (New section) a. Every private citizen who carries a
31 handgun in public in this State shall maintain liability insurance
32 coverage insuring against loss resulting from liability imposed by
33 law for bodily injury, death, and property damage sustained by any
34 person arising out of the ownership, maintenance, operation or use
35 of a firearm carried in public wherein such coverage shall be at least
36 in an amount or limit of \$300,000, exclusive of interest and costs,
37 on account of injury to or death of more than one person and for
38 damage to property, in any one incident.

39 b. Proof of liability insurance, as required pursuant to
40 subsection a. of this section, shall be produced by the person
41 carrying a handgun in public, within a reasonable amount of time
42 following any injury, death, or property damage alleged to have
43 been caused by the person carrying the handgun in public. This
44 requirement shall be satisfied by delivering a full and complete
45 copy of the applicable policy or policies of insurance that meet the
46 standards established by subsection a. of this section and that were
47 in force at the time of the injury, death, or property damage.

1 Notwithstanding the provisions of this subsection, disclosure of
2 policy information under this section shall not constitute an
3 admission that the alleged injury, death, or property damage is
4 subject to the policy.

5 Information concerning the insurance policy shall not be
6 admissible as evidence at trial by reason of disclosure pursuant to
7 this subsection. The disclosure shall be confidential and available
8 only to the injured person, representative of the decedent, or owner
9 of damaged property and the attorney representing the injured
10 person, representative of the decedent, or owner of damaged
11 property and personnel in the office of the attorney.

12 c. A violation of this section shall be a crime of the fourth
13 degree and shall constitute full and sufficient grounds for
14 revocation of a permit to carry a handgun issued pursuant to
15 N.J.S.2C:58-4.

16

17 5. (New section) Safe carry requirements for authorized
18 holders of a permit to carry a handgun.

19 a. The holder of a permit to carry a handgun issued pursuant to
20 N.J.S.2C:58-4 shall not:

21 (1) use or consume alcohol, a cannabis item, or a controlled
22 substance while carrying a handgun;

23 (2) be under the influence of alcohol, cannabis, or a controlled
24 substance while carrying a handgun;

25 (3) carry a handgun in public outside of a holster or carry a
26 handgun in public in a holster that does not meet the requirements
27 of subsection h. of N.J.S.2C:58-4;

28 (4) carry more than two firearms under the permittee's control at
29 one time; or

30 (5) engage in an unjustified display of a handgun.

31 A violation of this subsection shall be a crime of the fourth
32 degree, and any such violation shall constitute full and sufficient
33 grounds for revocation of a permit to carry a handgun issued
34 pursuant to N.J.S.2C:58-4.

35 b. The holder of a permit to carry a handgun issued pursuant to
36 N.J.S.2C:58-4, if stopped or detained by a law enforcement officer
37 while carrying a handgun in public or traveling with a handgun in a
38 motor vehicle, shall:

39 (1) immediately disclose to the law enforcement officer that they
40 are carrying a handgun or that a handgun is stored in the vehicle;
41 and

42 (2) display the permit to carry a handgun issued pursuant to
43 N.J.S.2C:58-4.

44 A violation of paragraph (1) of this section shall be a crime of
45 the fourth degree. A person who violates paragraph (2) of this
46 subsection shall be guilty of a disorderly persons offense for a first
47 offense and subject to a \$100 fine and a crime of the fourth degree
48 for a second or subsequent offense.

1 c. A holder of a permit to carry a handgun issued pursuant to
2 N.J.S.2C:58-4 who is carrying a handgun in public and is detained
3 by a law enforcement officer as part of a criminal investigation
4 shall provide the handgun to the law enforcement officer upon
5 request for purposes of inspecting the handgun. The provisions of
6 this subsection shall not be construed to affect or otherwise limit the
7 authority of a law enforcement officer to conduct a lawful search or
8 seizure.

9 A violation of this subsection shall be a crime of the fourth
10 degree.

11
12 6. (New section) Requirements and restrictions on the lawful
13 carrying of a handgun in public.

14 Except as permitted pursuant to N.J.S.2C:39-6, in addition to any
15 criminal penalties under subsection b. of N.J.S.2C:39-5, sections 5
16 and 7 of P.L. , c. (C.)(pending before the Legislature as this
17 bill), or any other law, it shall be a crime of the fourth degree for
18 any person in a public place:

19 a. to carry a handgun concealed on or about their person,
20 except as permitted in accordance with N.J.S.2C:39-6, without
21 possessing on their person a valid and lawfully issued permit to
22 carry under N.J.S.2C:58-4 and proof of the liability insurance
23 required pursuant to section 4 of P.L. , c. (C.)(pending before
24 the Legislature as this bill); or

25 b. to carry a handgun openly, whether or not in possession of a
26 valid and lawfully issued permit to carry under N.J.S.2C:58-4 and
27 proof of the liability insurance required pursuant to section 4 of
28 P.L. , c. (C.)(pending before the Legislature as this bill).

29
30 7. (New section) Places where the carrying of a firearm or
31 destructive device is prohibited.

32 a. Except as otherwise provided in this section and in the case
33 of a brief, incidental entry onto property, which shall be deemed a
34 de minimis infraction within the contemplation of N.J.S.2C:2-11, it
35 shall be a crime of the third degree for any person, other than a
36 person lawfully carrying a firearm within the authorized scope of an
37 exemption set forth in N.J.S.2C:39-6, to knowingly carry a firearm as
38 defined in subsection f. of N.J.S.2C:39-1 and a crime of the second
39 degree to knowingly possess a destructive device as defined in
40 subsection c. of N.J.S.2C:39-1 in any of the following places,
41 including in or upon any part of the buildings, grounds, or parking
42 area of:

43 (1) a place owned, leased, or under the control of State, county
44 or municipal government used for the purpose of government
45 administration, including but not limited to police stations;

46 (2) a courthouse, courtroom, or any other premises used to
47 conduct judicial or court administrative proceedings or functions;

- 1 (3) a State, county, or municipal correctional or juvenile justice
2 facility, jail and any other place maintained by or for a
3 governmental entity for the detention of criminal suspects or
4 offenders;
- 5 (4) a State-contracted half-way house;
- 6 (5) a location being used as a polling place during the conduct of
7 an election and places used for the storage or tabulation of ballots;
- 8 (6) within 100 feet of a place where a public gathering,
9 demonstration or event is held for which a government permit is
10 required, during the conduct of such gathering, demonstration or
11 event;
- 12 (7) a school, college, university or other educational institution,
13 and on any school bus;
- 14 (8) a child care facility, including a day care center;
- 15 (9) a nursery school, pre-school, zoo, or summer camp;
- 16 (10) a park, beach, recreation facility or area or playground
17 owned or controlled by a State, county or local government unit, or
18 any part of such a place, which is designated as a gun free zone by
19 the governing authority based on considerations of public safety;
- 20 (11) youth sports events, as defined in N.J.S.5:17-1, during and
21 immediately preceding and following the conduct of the event,
22 except that this provision shall not apply to participants of a youth
23 sports event which is a firearm shooting competition to which
24 paragraph (3) of subsection b. of section 14 of P.L.1979, c.179
25 (C.2C:58-6.1) applies;
- 26 (12) a publicly owned or leased library or museum;
- 27 (13) a shelter for the homeless, emergency shelter for the
28 homeless, basic center shelter program, shelter for homeless or
29 runaway youth, children's shelter, child care shelter, shelter for
30 victims of domestic violence, or any shelter licensed by or under the
31 control of the Juvenile Justice Commission or the Department of
32 Children and Families;
- 33 (14) a community residence for persons with developmental
34 disabilities, head injuries, or terminal illnesses, or any other
35 residential setting licensed by the Department of Human Services or
36 Department of Health;
- 37 (15) a bar or restaurant where alcohol is served, and any other
38 site or facility where alcohol is sold for consumption on the
39 premises;
- 40 (16) a Class 5 Cannabis retailer or medical cannabis dispensary,
41 including any consumption areas licensed or permitted by the
42 Cannabis Regulatory Commission established pursuant to section
43 31 of P.L.2019, c.153 (C.24:6I-24);
- 44 (17) a privately or publicly owned and operated entertainment
45 facility within this State, including but not limited to a theater,
46 stadium, museum, arena, racetrack or other place where
47 performances, concerts, exhibits, games or contests are held;

1 (18) a casino and related facilities, including but not limited to
2 appurtenant hotels, retail premises, restaurant and bar facilities, and
3 entertainment and recreational venues located within the casino
4 property;

5 (19) a plant or operation that produces, converts, distributes or
6 stores energy or converts one form of energy to another;

7 (20) an airport or public transportation hub;

8 (21) a health care facility, including but not limited to a general
9 hospital, special hospital, psychiatric hospital, public health center,
10 diagnostic center, treatment center, rehabilitation center, extended
11 care facility, skilled nursing home, nursing home, intermediate care
12 facility, tuberculosis hospital, chronic disease hospital, maternity
13 hospital, outpatient clinic, dispensary, assisted living center, home
14 health care agency, residential treatment facility, residential health
15 care facility, medical office, or ambulatory care facility;

16 (22) a facility licensed or regulated by the Department of Human
17 Services, Department of Children and Families, or Department of
18 Health, other than a health care facility, that provides addiction or
19 mental health treatment or support services;

20 (23) a public location being used for making motion picture or
21 television images for theatrical, commercial or educational
22 purposes, during the time such location is being used for that
23 purpose;

24 (24) private property, including but not limited to residential,
25 commercial, industrial, agricultural, institutional or undeveloped
26 property, unless the owner has provided express consent or has
27 posted a sign indicating that it is permissible to carry on the
28 premises a concealed handgun with a valid and lawfully issued
29 permit under N.J.S.2C:58-4, provided that nothing in this paragraph
30 shall be construed to affect the authority to keep or carry a firearm
31 established under subsection e. of N.J.S.2C:39-6; and

32 (25) any other place in which the carrying of a firearm is
33 prohibited by statute or rule or regulation promulgated by a federal
34 or State agency.

35 b. (1) A person, other than a person lawfully carrying a firearm
36 within the authorized scope of an exemption set forth in subsection
37 a., c., or l. of N.J.S.2C:39-6, who is otherwise authorized under the
38 law to carry or transport a firearm shall not do so while in a vehicle
39 in New Jersey, unless the handgun is unloaded and contained in a
40 closed and securely fastened case, gunbox, or locked unloaded in
41 the trunk of the vehicle.

42 (2) A holder of a valid and lawfully issued permit to carry a
43 handgun shall not leave a handgun outside of their immediate
44 possession or control within a parked vehicle, unless the handgun is
45 unloaded and contained in a closed and securely fastened case, or
46 gunbox, and is not visible from outside of the vehicle, or is locked
47 unloaded in the trunk or storage area of the vehicle.

1 A violation of paragraph (1) or (2) of this subsection is a crime
2 of the fourth degree.

3 c. Notwithstanding the provisions of subsections a. and b. of
4 this section, the holder of a valid and lawfully issued permit to carry
5 under N.J.S.2C:58-4 who is otherwise prohibited under this section
6 from carrying a concealed firearm into the parking area of a
7 prohibited location specified in subsection a. of this section shall be
8 permitted to:

9 (1) transport a concealed handgun or ammunition within a
10 vehicle into or out of the parking area, provided that the handgun is
11 unloaded and contained in a closed and securely fastened case,
12 gunbox, or locked unloaded in the trunk or storage area of the
13 vehicle;

14 (2) store a handgun or ammunition within a locked lock box and
15 out of plain view within the vehicle in the parking area;

16 (3) transport a concealed handgun in the immediate area
17 surrounding their vehicle within a prohibited parking lot area only
18 for the limited purpose of storing or retrieving the handgun within a
19 locked lock box in the vehicle's trunk or other place inside the
20 vehicle that is out of plain view; and

21 (4) transport a concealed handgun between a vehicle parked
22 within a prohibited parking lot area and a place other than a
23 prohibited place enumerated in subsection a. of this section,
24 provided that the person immediately leaves the parking lot area
25 and does not enter into or on the grounds of the prohibited place
26 with the handgun.

27 d. The holder of a valid and lawfully issued permit to carry
28 under N.J.S.2C:58-4 shall not be in violation of subsection a. of this
29 section while the holder is traveling along a public right-of-way that
30 touches or crosses any of the places enumerated in subsection a. of
31 this section if the concealed handgun is carried on their person in
32 accordance with the provisions of this act or is being transported in
33 a vehicle by the permit holder in accordance with all other
34 applicable provisions of law.

35 e. (1) Nothing in this act shall be construed to prohibit the
36 holder of a valid and lawfully issued permit under N.J.S.2C:58-4
37 who is lawfully authorized to provide security at a place
38 enumerated in subsection a. of this section from carrying a firearm,
39 openly or concealed, provided that the authorization is set forth in
40 writing, and only to the extent permitted by the entity responsible
41 for security at the place in question.

42 (2) Unless otherwise required or prohibited by law, the owner or
43 entity in control of any place enumerated in subsection a. of this
44 section or owner or entity responsible for providing security may
45 allow or prohibit retired law enforcement officers who are
46 authorized to possess and carry a handgun pursuant to subsection l.
47 of N.J.S.2C:39-6 or qualified retired law enforcement officers
48 within the meaning of the federal "Law Enforcement Officers

1 Safety Act of 2004,” Pub.L. 108-277 to carry a concealed handgun
2 on the premises of such place.

3 f. Nothing in this section shall be construed to prohibit an
4 employee of an armored car company who is the holder of a valid
5 and lawfully issued permit to carry a handgun issued pursuant to
6 N.J.S.2C:58-4 who is contractually authorized to provide services
7 for a client at a place enumerated in subsection a. of this section
8 from carrying a firearm, openly, in the regular course of
9 employment.

10 g. Nothing in this section shall prohibit the carrying or
11 transporting of a firearm in accordance with subsections e. and f. of
12 N.J.S.2C:39-6 or where it is otherwise expressly authorized by law.

13

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

15 2C:39-6. a. Provided a person complies with the requirements
16 of subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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

21 (2) Federal law enforcement officers, and any other federal
22 officers and employees required to carry firearms in the
23 performance of their official duties;

24 (3) Members of the State Police and, under conditions
25 prescribed by the superintendent, members of the Marine Law
26 Enforcement Bureau of the Division of State Police;

27 (4) A sheriff, undersheriff, sheriff's officer, [county prosecutor,
28 assistant prosecutor,] prosecutor's detective or investigator, [deputy
29 attorney general or] State investigator employed by the Division of
30 Criminal Justice of the Department of Law and Public Safety,
31 investigator employed by the State Commission of Investigation,
32 inspector of the Alcoholic Beverage Control Enforcement Bureau of
33 the Division of State Police in the Department of Law and Public
34 Safety authorized to carry weapons by the Superintendent of State
35 Police, State park police officer, or State conservation police
36 officer;

37 (5) Except as hereinafter provided, a State correctional police
38 officer, or a prison or jail warden of any penal institution in this
39 State or the warden's deputies, or an employee of the Department of
40 Corrections engaged in the interstate transportation of convicted
41 offenders, while in the performance of the employee's duties, and
42 when required to possess the weapon by a superior officer, or a
43 correctional police officer or keeper of a penal institution in this
44 State at all times while in the State of New Jersey, provided the
45 person annually passes an examination approved by the
46 superintendent testing the person's proficiency in the handling of
47 firearms;

- 1 (6) A civilian employee of the United States Government under
2 the supervision of the commanding officer of any post, camp,
3 station, base or other military or naval installation located in this
4 State who is required, in the performance of the employee's official
5 duties, to carry firearms, and who is authorized to carry firearms by
6 the commanding officer, while in the actual performance of the
7 employee's official duties;
- 8 (7) (a) A regularly employed member, including a detective, of
9 the police department of any county or municipality, or of any
10 State, interstate, municipal or county park police force or boulevard
11 police force, at all times while in the State of New Jersey;
- 12 (b) A special law enforcement officer authorized to carry a
13 weapon as provided in subsection b. of section 7 of P.L.1985, c.439
14 (C.40A:14-146.14);
- 15 (c) An airport security officer or a special law enforcement
16 officer appointed by the governing body of any county or
17 municipality, except as provided in subparagraph (b) of this
18 paragraph, or by the commission, board or other body having
19 control of a county park or airport or boulevard police force, while
20 engaged in the actual performance of the officer's official duties and
21 when specifically authorized by the governing body to carry
22 weapons;
- 23 (8) A full-time, paid member of a paid or part-paid fire
24 department or force of any municipality who is assigned full-time
25 or part-time to an arson investigation unit created pursuant to
26 section 1 of P.L.1981, c.409 (C.40A:14-7.1) or to the county arson
27 investigation unit in the county prosecutor's office, while either
28 engaged in the actual performance of arson investigation duties or
29 while actually on call to perform arson investigation duties and
30 when specifically authorized by the governing body or the county
31 prosecutor, as the case may be, to carry weapons. Prior to being
32 permitted to carry a firearm, a member shall take and successfully
33 complete a firearms training course administered by the Police
34 Training Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et
35 seq.), and shall annually qualify in the use of a revolver or similar
36 weapon prior to being permitted to carry a firearm;
- 37 (9) A juvenile correctional police officer in the employment of
38 the Juvenile Justice Commission established pursuant to section 2
39 of P.L.1995, c.284 (C.52:17B-170) subject to the regulations
40 promulgated by the commission;
- 41 (10) A designated employee or designated licensed agent for a
42 nuclear power plant under license of the Nuclear Regulatory
43 Commission, while in the actual performance of the person's
44 official duties, if the federal licensee certifies that the designated
45 employee or designated licensed agent is assigned to perform site
46 protection, guard, armed response or armed escort duties and is
47 appropriately trained and qualified, as prescribed by federal
48 regulation, to perform those duties. Any firearm utilized by an

1 employee or agent for a nuclear power plant pursuant to this
2 paragraph shall be returned each day at the end of the employee's or
3 agent's authorized official duties to the employee's or agent's
4 supervisor. All firearms returned each day pursuant to this
5 paragraph shall be stored in locked containers located in a secure
6 area;

7 (11) A county correctional police officer at all times while in the
8 State of New Jersey, provided the officer annually passes an
9 examination approved by the superintendent testing the officer's
10 proficiency in the handling of firearms;

11 (12) A county prosecutor, assistant prosecutor, federal
12 prosecutor, municipal prosecutor, Attorney General, assistant
13 attorney general, deputy attorney general and federal, State, county,
14 or municipal court judge, including a judge of the Tax Court and
15 any other court of limited jurisdiction established, altered, or
16 abolished by law, a judge of the Office of Administrative Law, a
17 judge of the Division of Workers' Compensation at all times while
18 in this State. Prior to being permitted to carry a firearm, a person
19 subject to this paragraph shall take and successfully complete a
20 firearms training course administered by the Police Training
21 Commission pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
22 shall annually qualify in the use of a handgun or similar weapon
23 prior to being permitted to carry a firearm. The superintendent may
24 issue identification cards indicating that such a person is permitted
25 to carry a handgun pursuant to this paragraph.

26 b. Subsections a., b. and c. of N.J.S.2C:39-5 do not apply to:

27 (1) A law enforcement officer employed by a governmental
28 agency outside of the State of New Jersey while actually engaged in
29 the officer's official duties, provided, however, that the officer has
30 first notified the superintendent or the chief law enforcement officer
31 of the municipality or the prosecutor of the county in which the
32 officer is engaged; or

33 (2) A licensed dealer in firearms and the dealer's registered
34 employees during the course of their normal business while
35 traveling to and from their place of business and other places for the
36 purpose of demonstration, exhibition or delivery in connection with
37 a sale, provided, however, that the weapon is carried in the manner
38 specified in subsection g. of this section.

39 c. Provided a person complies with the requirements of
40 subsection j. of this section, subsections b. and c. of N.J.S.2C:39-5
41 do not apply to:

42 (1) A special agent of the Division of Taxation who has passed
43 an examination in an approved police training program testing
44 proficiency in the handling of any firearm which the agent may be
45 required to carry, while in the actual performance of the agent's
46 official duties and while going to or from the agent's place of duty,
47 or any other police officer, while in the actual performance of the
48 officer's official duties;

- 1 (2) A State deputy conservation police officer or a full-time
2 employee of the Division of Parks and Forestry having the power of
3 arrest and authorized to carry weapons, while in the actual
4 performance of the officer's official duties;
- 5 (3) (Deleted by amendment, P.L.1986, c.150.)
- 6 (4) A court attendant appointed by the sheriff of the county or
7 by the judge of any municipal court or other court of this State,
8 while in the actual performance of the attendant's official duties;
- 9 (5) A guard employed by any railway express company, banking
10 or building and loan or savings and loan institution of this State,
11 while in the actual performance of the guard's official duties;
- 12 (6) A member of a legally recognized military organization
13 while actually under orders or while going to or from the prescribed
14 place of meeting and carrying the weapons prescribed for drill,
15 exercise or parade;
- 16 (7) A municipal humane law enforcement officer, authorized
17 pursuant to subsection d. of section 25 of P.L.2017, c.331 (C.4:22-
18 14.1), or humane law enforcement officer of a county society for
19 the prevention of cruelty to animals authorized pursuant to
20 subsection c. of section 29 of P.L.2017, c.331 (C.4:22-14.5), while
21 in the actual performance of the officer's duties;
- 22 (8) An employee of a public utilities corporation actually
23 engaged in the transportation of explosives;
- 24 (9) A railway policeman, except a transit police officer of the
25 New Jersey Transit Police Department, at all times while in the
26 State of New Jersey, provided that the person has passed an
27 approved police academy training program consisting of at least
28 280 hours. The training program shall include, but need not be
29 limited to, the handling of firearms, community relations, and
30 juvenile relations;
- 31 (10) A campus police officer appointed under P.L.1970, c.211
32 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry
33 a firearm, a campus police officer shall take and successfully
34 complete a firearms training course administered by the Police
35 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
36 seq.), and shall annually qualify in the use of a revolver or similar
37 weapon prior to being permitted to carry a firearm;
- 38 (11) (Deleted by amendment, P.L.2003, c.168).
- 39 (12) A transit police officer of the New Jersey Transit Police
40 Department, at all times while in the State of New Jersey, provided
41 the officer has satisfied the training requirements of the Police
42 Training Commission, pursuant to subsection c. of section 2 of
43 P.L.1989, c.291 (C.27:25-15.1);
- 44 (13) A parole officer employed by the State Parole Board at all
45 times. Prior to being permitted to carry a firearm, a parole officer
46 shall take and successfully complete a basic course for regular
47 police officer training administered by the Police Training
48 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and

1 shall annually qualify in the use of a revolver or similar weapon
2 prior to being permitted to carry a firearm;

3 (14) A Human Services police officer at all times while in the
4 State of New Jersey, as authorized by the Commissioner of Human
5 Services;

6 (15) A person or employee of any person who, pursuant to and as
7 required by a contract with a governmental entity, supervises or
8 transports persons charged with or convicted of an offense;

9 (16) A housing authority police officer appointed under
10 P.L.1997, c.210 (C.40A:14-146.19 et al.) at all times while in the
11 State of New Jersey; or

12 (17) A probation officer assigned to the "Probation Officer
13 Community Safety Unit" created by section 2 of P.L.2001, c.362
14 (C.2B:10A-2) while in the actual performance of the probation
15 officer's official duties. Prior to being permitted to carry a firearm,
16 a probation officer shall take and successfully complete a basic
17 course for regular police officer training administered by the Police
18 Training Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et
19 seq.), and shall annually qualify in the use of a revolver or similar
20 weapon prior to being permitted to carry a firearm.

21 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
22 antique firearms, provided that the antique firearms are unloaded or
23 are being fired for the purposes of exhibition or demonstration at an
24 authorized target range or in another manner approved in writing by
25 the chief law enforcement officer of the municipality in which the
26 exhibition or demonstration is held, or if not held on property under
27 the control of a particular municipality, the superintendent.

28 (2) Subsection a. of N.J.S.2C:39-3 and subsection d. of
29 N.J.S.2C:39-5 do not apply to an antique cannon that is capable of
30 being fired but that is unloaded and immobile, provided that the
31 antique cannon is possessed by (a) a scholastic institution, a
32 museum, a municipality, a county or the State, or (b) a person who
33 obtained a firearms purchaser identification card as specified in
34 N.J.S.2C:58-3.

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

40 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of
41 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded
42 or fired by one eligible to possess an antique cannon, for purposes
43 of exhibition or demonstration at an authorized target range or in
44 the manner as has been approved in writing by the chief law
45 enforcement officer of the municipality in which the exhibition or
46 demonstration is held, or if not held on property under the control
47 of a particular municipality, the superintendent, provided that
48 performer has given at least 30 days' notice to the superintendent.

1 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
2 N.J.S.2C:39-5 do not apply to the transportation of unloaded
3 antique cannons directly to or from exhibitions or demonstrations
4 authorized under paragraph (4) of subsection d. of this section,
5 provided that the transportation is in compliance with safety
6 regulations the superintendent may promulgate. Those subsections
7 shall not apply to transportation directly to or from exhibitions or
8 demonstrations authorized under the law of another jurisdiction,
9 provided that the superintendent has been given 30 days' notice and
10 that the transportation is in compliance with safety regulations the
11 superintendent may promulgate.

12 e. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall
13 be construed to prevent a person keeping or carrying about the
14 person's place of business, residence, premises or other land owned
15 or possessed by the person, any firearm, or from carrying the same,
16 in the manner specified in subsection g. of this section, from any
17 place of purchase to the person's residence or place of business,
18 between the person's dwelling and place of business, between one
19 place of business or residence and another when moving, or
20 between the person's dwelling or place of business and place where
21 the firearms are repaired, for the purpose of repair. For the
22 purposes of this section, a place of business shall be deemed to be a
23 fixed location.

24 f. Nothing in subsections b., c., and d. of N.J.S.2C:39-5 shall
25 be construed to prevent:

26 (1) A member of any rifle or pistol club organized in accordance
27 with the rules prescribed by the National Board for the Promotion
28 of Rifle Practice, in going to or from a place of target practice,
29 carrying firearms necessary for target practice, provided that the
30 club has filed a copy of its charter with the superintendent and
31 annually submits a list of its members to the superintendent and
32 provided further that the firearms are carried in the manner
33 specified in subsection g. of this section;

34 (2) A person carrying a firearm or knife in the woods or fields
35 or upon the waters of this State for the purpose of hunting, target
36 practice or fishing, provided that the firearm or knife is legal and
37 appropriate for hunting or fishing purposes in this State and the
38 person has in **his** the person's possession a valid hunting license,
39 or, with respect to fresh water fishing, a valid fishing license;

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

41 (a) Directly to or from any place for the purpose of hunting or
42 fishing, provided the person has in the person's possession a valid
43 hunting or fishing license; or

44 (b) Directly to or from any target range, or other authorized
45 place for the purpose of practice, match, target, trap or skeet
46 shooting exhibitions, provided in all cases that during the course of
47 the travel all firearms are carried in the manner specified in
48 subsection g. of this section and the person has complied with all

1 the provisions and requirements of Title 23 of the Revised Statutes
2 and any amendments thereto and all rules and regulations
3 promulgated thereunder; or

4 (c) In the case of a firearm, directly to or from any exhibition or
5 display of firearms which is sponsored by any law enforcement
6 agency, any rifle or pistol club, or any firearms collectors club, for
7 the purpose of displaying the firearms to the public or to the
8 members of the organization or club, provided, however, that not
9 less than 30 days prior to the exhibition or display, notice of the
10 exhibition or display shall be given to the Superintendent of the
11 State Police by the sponsoring organization or club, and the sponsor
12 has complied with any reasonable safety regulations the
13 superintendent may promulgate. Any firearms transported pursuant
14 to this section shall be transported in the manner specified in
15 subsection g. of this section;

16 (4) A person from keeping or carrying about a private or
17 commercial aircraft or any boat, or from transporting to or from the
18 aircraft or boat for the purpose of installation or repair of a visual
19 distress signaling device approved by the United States Coast
20 Guard.

21 g. Any weapon being transported under paragraph (2) of
22 subsection b., subsection e., or paragraph (1) or (3) of subsection f.
23 of this section shall be carried unloaded and contained in a closed
24 and fastened case, gunbox, securely tied package, or locked in the
25 trunk of the automobile in which it is being transported, and in the
26 course of travel shall include only deviations as are reasonably
27 necessary under the circumstances.

28 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
29 to prevent any employee of a public utility, as defined in R.S.48:2-
30 13, doing business in this State or any United States Postal Service
31 employee, while in the actual performance of duties which
32 specifically require regular and frequent visits to private premises,
33 from possessing, carrying or using any device which projects,
34 releases or emits any substance specified as being noninjurious to
35 canines or other animals by the Commissioner of Health and which
36 immobilizes only on a temporary basis and produces only
37 temporary physical discomfort through being vaporized or
38 otherwise dispensed in the air for the sole purpose of repelling
39 canine or other animal attacks.

40 The device shall be used solely to repel only those canine or
41 other animal attacks when the canines or other animals are not
42 restrained in a fashion sufficient to allow the employee to properly
43 perform the employee's duties.

44 Any device used pursuant to this act shall be selected from a list
45 of products, which consist of active and inert ingredients, permitted
46 by the Commissioner of Health.

47 i. (1) Nothing in N.J.S.2C:39-5 shall be construed to prevent
48 any person who is 18 years of age or older and who has not been

1 convicted of a crime, from possession for the purpose of personal
2 self-defense of one pocket-sized device which contains and releases
3 not more than three-quarters of an ounce of chemical substance not
4 ordinarily capable of lethal use or of inflicting serious bodily injury,
5 but rather, is intended to produce temporary physical discomfort or
6 disability through being vaporized or otherwise dispensed in the air.
7 Any person in possession of any device in violation of this
8 subsection shall be deemed and adjudged to be a disorderly person,
9 and upon conviction thereof, shall be punished by a fine of not less
10 than \$100.

11 (2) Notwithstanding the provisions of paragraph (1) of this
12 subsection, nothing in N.J.S.2C:39-5 shall be construed to prevent a
13 health inspector or investigator operating pursuant to the provisions
14 of section 7 of P.L.1977, c.443 (C.26:3A2-25) or a building
15 inspector from possessing a device which is capable of releasing
16 more than three-quarters of an ounce of a chemical substance, as
17 described in paragraph (1) of this subsection, while in the actual
18 performance of the inspector's or investigator's duties, provided that
19 the device does not exceed the size of those used by law
20 enforcement.

21 j. A person shall qualify for an exemption from the provisions
22 of N.J.S.2C:39-5, as specified under subsections a. and c. of this
23 section, if the person has satisfactorily completed a firearms
24 training course approved by the Police Training Commission.

25 The exempt person shall not possess or carry a firearm until the
26 person has satisfactorily completed a firearms training course and
27 shall annually qualify in the use of a revolver or similar weapon.
28 For purposes of this subsection, a "firearms training course" means
29 a course of instruction in the safe use, maintenance and storage of
30 firearms which is approved by the Police Training Commission.
31 The commission shall approve a firearms training course if the
32 requirements of the course are substantially equivalent to the
33 requirements for firearms training provided by police training
34 courses which are certified under section 6 of P.L.1961, c.56
35 (C.52:17B-71). A person who is specified in paragraph (1), (2), (3),
36 or (6) of subsection a. of this section shall be exempt from the
37 requirements of this subsection.

38 k. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
39 to prevent any financial institution, or any duly authorized
40 personnel of the institution, from possessing, carrying or using for
41 the protection of money or property, any device which projects,
42 releases or emits tear gas or other substances intended to produce
43 temporary physical discomfort or temporary identification.

44 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
45 to prevent a law enforcement officer who retired in good standing,
46 including a retirement because of a disability pursuant to section 6
47 of P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
48 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1), or any

1 substantially similar statute governing the disability retirement of
2 federal law enforcement officers, provided the officer was a
3 regularly employed, full-time law enforcement officer for an
4 aggregate of four or more years prior to the officer's disability
5 retirement and further provided that the disability which constituted
6 the basis for the officer's retirement did not involve a certification
7 that the officer was mentally incapacitated for the performance of
8 the officer's usual law enforcement duties and any other available
9 duty in the department which the officer's employer was willing to
10 assign to the officer or does not subject that retired officer to any of
11 the disabilities set forth in subsection c. of N.J.S.2C:58-3 which
12 would disqualify the retired officer from possessing or carrying a
13 firearm, who semi-annually qualifies in the use of the handgun the
14 officer is permitted to carry in accordance with the requirements
15 and procedures established by the Attorney General pursuant to
16 subsection j. of this section and pays the actual costs associated
17 with those semi-annual qualifications, who is 75 years of age or
18 younger, and who was regularly employed as a full-time member of
19 the State Police; a full-time member of an interstate police force; a
20 full-time member of a county or municipal police department in this
21 State; a full-time member of a State law enforcement agency; a full-
22 time sheriff, undersheriff or sheriff's officer of a county of this
23 State; a full-time State or county correctional police officer; a full-
24 time State correctional police officer or county correctional police
25 officer; a full-time State or county park police officer; a full-time
26 special agent of the Division of Taxation; a full-time Human
27 Services police officer; a full-time transit police officer of the New
28 Jersey Transit Police Department; a full-time campus police officer
29 exempted pursuant to paragraph (10) of subsection c. of this
30 section; a full-time State conservation police officer exempted
31 pursuant to paragraph (4) of subsection a. of this section; a full-time
32 Palisades Interstate Park officer appointed pursuant to R.S.32:14-
33 21; a full-time Burlington County Bridge police officer appointed
34 pursuant to section 1 of P.L.1960, c.168 (C.27:19-36.3); a full-time
35 housing authority police officer exempted pursuant to paragraph
36 (16) of subsection c. of this section; a full-time juvenile correctional
37 police officer exempted pursuant to paragraph (9) of subsection a.
38 of this section; a full-time parole officer exempted pursuant to
39 paragraph (13) of subsection c. of this section; a full-time railway
40 policeman exempted pursuant to paragraph (9) of subsection c. of
41 this section; a full-time county prosecutor's detective or
42 investigator; a full-time federal law enforcement officer; or is a
43 qualified retired law enforcement officer, as used in the federal
44 "Law Enforcement Officers Safety Act of 2004," Pub.L. 108-277,
45 domiciled in this State from carrying a handgun in the same manner
46 as law enforcement officers exempted under paragraph (7) of
47 subsection a. of this section. A retired law enforcement officer

1 shall be entitled to carry a handgun pursuant to this subsection
2 under the following conditions [provided herein] :

3 (1) The retired law enforcement officer shall make application
4 in writing to the Superintendent of State Police for approval to carry
5 a handgun **[for one year]** every two years. **[An]** A renewal
6 application [for annual renewal] shall be submitted in the same
7 manner.

8 (2) Upon receipt of the written application of the retired law
9 enforcement officer, the superintendent shall request a verification
10 of service from the chief law enforcement officer of the
11 organization in which the retired officer was last regularly
12 employed as a full-time law enforcement officer prior to retiring.
13 The verification of service shall include:

14 (a) The name and address of the retired officer;

15 (b) The date that the retired officer was hired and the date that
16 the officer retired;

17 (c) A list of all handguns known to be registered to that officer;

18 (d) A statement that, to the reasonable knowledge of the chief
19 law enforcement officer, the retired officer is not subject to any of
20 the restrictions set forth in subsection c. of N.J.S.2C:58-3; and

21 (e) A statement that the officer retired in good standing.

22 (3) If the superintendent approves a retired officer's application
23 or reapplication to carry a handgun pursuant to the provisions of
24 this subsection, the superintendent shall notify in writing the chief
25 law enforcement officer of the municipality wherein that retired
26 officer resides. In the event the retired officer resides in a
27 municipality which has no chief law enforcement officer or law
28 enforcement agency, the superintendent shall maintain a record of
29 the approval.

30 (4) The superintendent shall issue to an approved retired officer
31 an identification card permitting the retired officer to carry a
32 handgun pursuant to this subsection. This identification card shall
33 be valid for **[one year]** two years from the date of issuance and
34 shall be valid throughout the State. The identification card shall not
35 be transferable to any other person. The identification card shall be
36 carried at all times on the person of the retired officer while the
37 retired officer is carrying a handgun. The retired officer shall
38 produce the identification card for review on the demand of any law
39 enforcement officer or authority.

40 (5) Any person aggrieved by the denial of the superintendent of
41 approval for a permit to carry a handgun pursuant to this subsection
42 may request a hearing in the Superior Court of New Jersey in the
43 county in which the person resides by filing a written request for a
44 hearing within 30 days of the denial. Copies of the request shall be
45 served upon the superintendent and the county prosecutor. The
46 hearing shall be held within 30 days of the filing of the request, and
47 no formal pleading or filing fee shall be required. Appeals from the

1 determination of the hearing shall be in accordance with law and the
2 rules governing the courts of this State.

3 (6) A judge of the Superior Court may revoke a retired officer's
4 privilege to carry a handgun pursuant to this subsection for good
5 cause shown on the application of any interested person. A person
6 who becomes subject to any of the disabilities set forth in
7 subsection c. of N.J.S.2C:58-3 shall surrender, as prescribed by the
8 superintendent, the person's identification card issued under
9 paragraph (4) of this subsection to the chief law enforcement officer
10 of the municipality wherein the person resides or the
11 superintendent, and shall be permanently disqualified to carry a
12 handgun under this subsection.

13 (7) The superintendent may charge a reasonable application fee
14 to retired officers to offset any costs associated with administering
15 the application process set forth in this subsection.

16 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
17 to prevent duly authorized personnel of the New Jersey Division of
18 Fish and Wildlife, while in the actual performance of duties, from
19 possessing, transporting or using any device that projects, releases
20 or emits any substance specified as being non-injurious to wildlife
21 by the Director of the Division of Animal Health in the Department
22 of Agriculture, and which may immobilize wildlife and produces
23 only temporary physical discomfort through being vaporized or
24 otherwise dispensed in the air for the purpose of repelling bear or
25 other animal attacks or for the aversive conditioning of wildlife.

26 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall
27 be construed to prevent duly authorized personnel of the New
28 Jersey Division of Fish and Wildlife, while in the actual
29 performance of duties, from possessing, transporting or using hand
30 held pistol-like devices, rifles or shotguns that launch pyrotechnic
31 missiles for the sole purpose of frightening, hazing or aversive
32 conditioning of nuisance or depredating wildlife; from possessing,
33 transporting or using rifles, pistols or similar devices for the sole
34 purpose of chemically immobilizing wild or non-domestic animals;
35 or, provided the duly authorized person complies with the
36 requirements of subsection j. of this section, from possessing,
37 transporting or using rifles or shotguns, upon completion of a Police
38 Training Commission approved training course, in order to dispatch
39 injured or dangerous animals or for non-lethal use for the purpose
40 of frightening, hazing or aversive conditioning of nuisance or
41 depredating wildlife.

42 (cf: P.L.2019, c.407, s.2)

43
44 9. (New section) Notwithstanding any provision of the
45 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
46 seq.) to the contrary, the Superintendent of State Police may adopt
47 immediately upon filing with the Office of Administrative Law
48 such regulations as the superintendent deems necessary to

1 implement the provisions of P.L. , c. (C.) (pending before the
2 Legislature as this bill), which shall be effective for a period not to
3 exceed 18 months, and may thereafter be amended, adopted, or
4 readopted by the superintendent in accordance with the
5 requirements of the “Administrative Procedure Act,” P.L.1968,
6 c.410 (C.52:14B-1 et seq.).

7
8 10. (New section) a. Notwithstanding the provisions of
9 subsection d. of N.J.S.2C:58-4, application determinations for a
10 permit to carry a handgun that were pending before the Superior
11 Court and filed prior to the date of enactment of P.L. , c. (C.)
12 (pending before the Legislature as this bill) shall be made by the court.
13 A Judge of the Superior Court may rely on the approval by the chief
14 police officer or superintendent, as the case may be, as the basis for
15 issuing the permit.

16 b. Application determinations for a permit to carry a handgun that
17 are submitted on or after the date of enactment of P.L. , c. (C.)
18 (pending before the Legislature as this bill) shall be made by a chief
19 police officer or superintendent, as the case may be, in accordance
20 with subsection d. of N.J.S.2C:58-4.

21
22 11. (New section) The provisions of P.L. ,
23 c. (C.)(pending before the Legislature as this bill) are
24 severable; if any provision, or application of any provision, of this
25 amendatory and supplementary act is held invalid by any court, the
26 holding or judgment shall not affect the remaining provisions or
27 applications of the provisions thereof.

28
29 12. Sections 2, 3, 7, and 10 of this act shall take effect
30 immediately and the remainder of this act shall take effect on the
31 first day of the seventh month next following the date of enactment,
32 but the Attorney General, Superintendent of State Police, and
33 Commissioner of Banking and Insurance may take such anticipatory
34 action as is necessary for the implementation of this act.

35
36
37
38
39 _____
40 Makes various revisions to requirements for obtaining a firearm
41 purchaser identification card, permit to purchase a handgun, and
42 permit to carry a handgun; codifies sensitive places in which
firearms and destructive devices are prohibited.

ASSEMBLY, No. 4769

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED OCTOBER 13, 2022

Sponsored by:

Assemblyman JOE DANIELSEN

District 17 (Middlesex and Somerset)

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

Assemblywoman MILA M. JASEY

District 27 (Essex and Morris)

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblywoman ELLEN J. PARK

District 37 (Bergen)

SYNOPSIS

Makes various revisions to requirements for obtaining firearm purchaser identification card, permit to purchase handgun, and permit to carry handgun; codifies sensitive places in which firearms and weapons are prohibited.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the sale and possession of firearms and
2 supplementing and amending various parts of the statutory law.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. (New section) The Legislature finds and declares that:

8 a. The decision of the United States Supreme Court in New
9 York State Rifle & Pistol Association v Bruen holds significant
10 implications for carrying a handgun in New Jersey and the law
11 governing the issuance of permits to carry a handgun. The Bruen
12 decision establishes that states cannot deny permits to carry a
13 handgun to otherwise-qualified citizens who fail to show that they
14 have the “proper cause” to carry a handgun. New Jersey law relies
15 on a similar standard, considering whether an applicant has a
16 “justifiable need,” in determining whether to issue a permit to carry
17 a handgun.

18 b. In accordance with the precedent established in the Bruen
19 decision, laws requiring showings of particularized need are no
20 longer legally viable to determine whether a person may carry a
21 handgun in public. The Bruen decision does make clear, however,
22 that the Legislature can enact laws to protect our communities from
23 threats to public health, safety, and welfare posed by gun violence,
24 which take into account as appropriate the Supreme Court’s Second
25 Amendment ruling while continuing to promote and enhance public
26 safety.

27 c. Statistics show that expanding handgun carrying creates
28 safety risks, helping to fuel the epidemic of gun violence. For
29 example, a study by researchers at the Johns Hopkins Bloomberg
30 School of Public Health found that the estimated average rate of
31 officer-involved shootings increased by 12.9 percent in ten states
32 that relaxed restrictions between 2014 and 2020 on civilians
33 carrying concealed firearms in public. Accordingly, evidence
34 demonstrates that more guns on the streets can translate into more
35 acts of gun violence. To mitigate the impact of having more people
36 carrying guns in public places, steps must be taken to better ensure
37 that those who exercise the right to carry are responsible, law-
38 abiding, and appropriately trained individuals who would not pose
39 undue safety risks if armed in public places.

40 d. In Bruen, the Supreme Court recognized that states may
41 prohibit individuals who are not “law-abiding, responsible citizens”
42 from carrying firearms in public, and endorsed the use of “licensing
43 requirements for carrying a handgun for self-defense.” Although the
44 Court did not provide a complete list of lawful requirements, it
45 specifically cited a “background check, mental health check, training

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 underlined thus is new matter.

1 in firearms handling and in laws regarding the use of force, among
2 other possible requirements” as permissible. The purpose of these
3 checks, the Court explained, is to “ensure only that those bearing
4 arms in the jurisdiction are in fact, ‘law-abiding, responsible
5 citizens.’” It is thus important to bolster and improve the process in
6 this State for ensuring that only such individuals possess and carry
7 firearms. Toward that end, this act strengthens the criteria and
8 background investigation requirements that are used to determine
9 whether an applicant is qualified to carry a firearm in New Jersey.

10 e. This act also designates places in which the carrying of a
11 weapon is prohibited. Previously, application of the justifiable need
12 standard minimized the serious dangers of misuse and accidental
13 use inherent in the carrying of handguns in a public place. Given
14 the likelihood that a much greater number of individuals will now
15 qualify to carry handguns in public, it is now both necessary and
16 appropriate to clearly identify in the law those sensitive places
17 where, due to heightened public safety concerns, carrying a weapon
18 of any kind, including a handgun, is not permissible. These
19 prohibitions are based on common sense principles and historical
20 analogues.

21 f. Notwithstanding its rejection of a particularized need
22 standard, the Bruen decision recognizes that the carrying of
23 firearms in sensitive places can “be prohibited consistent with the
24 Second Amendment.” Indeed, the Court assumed it settled that
25 “laws forbidding the carrying of firearms in sensitive places such
26 as schools and government buildings,” as well other places such as
27 “legislative assemblies, polling places, and courthouses,” are
28 “longstanding” and not subject to disputes regarding their
29 constitutionality. The Court added that other “sensitive place”
30 regulations may be permissible if “consistent with the Second
31 Amendment’s text and historical understanding” – that is,
32 “relevantly similar” to historical analogues.

33 g. The sensitive-place prohibitions on dangerous weapons set
34 forth in this act are rooted in history and tradition. They are
35 analogous to historical laws that can be found from the Founding
36 era to Reconstruction, which are also found in modern laws in many
37 states. History and tradition support at least the following location-
38 based restrictions on carrying firearms:

39 (1) Places that are the site of core constitutional activity, such as
40 but not limited to the exercise of First Amendment rights, or that
41 are otherwise vital to the functioning of democracy and our system
42 of government. That includes prohibitions of firearms in facilities
43 within the criminal justice system;

44 (2) Schools, universities, other educational institutions, where
45 people assemble for educational purposes and for the purposes of
46 teaching, learning, research, and the pursuit of knowledge;

47 (3) Parks and other recreation spaces, including locations where
48 children congregate;

1 (4) Locations that protect vulnerable classes of people, such as
2 the young and the frail;

3 (5) Places where intoxicating substances are sold, places where
4 large groups of individuals congregate, and places where volatile
5 conditions may pose a threat to public safety; and

6 (6) Various forms of transportation and public infrastructure,
7 whose safety, security, and stability are critical to supporting social
8 function.

9 h. The historical record also supports restriction of firearm
10 possession on private property when the owner has not given their
11 consent. Many states require a property owner's permission before
12 another may enter private dwellings and private lands with a
13 firearm or other weapons. Requiring consent from the property
14 owner before carrying weapons onto private property is also in line
15 with both the reasonable expectations and property rights of New
16 Jersey property owners.

17 i. Additionally, the fees to obtain a firearms purchaser
18 identification permit or a permit to purchase a handgun in New
19 Jersey were initially set by statute over 50 years ago at \$5 and \$2,
20 respectively, and in over a half century the law has never been
21 changed to increase these fees, notwithstanding the impact of
22 inflation, increasing costs of background checks and related
23 investigations, and the investment made over the years to
24 technologically upgrade the firearms application and registration
25 system established and maintained by the New Jersey State Police.

26 j. Accordingly, the Legislature finds it is necessary and proper
27 to revise this State's procedural and substantive laws related to
28 firearms to update the process and the standards applicable to
29 firearm purchase and possession as well as our handgun carry law,
30 and to continue to promote public safety and reduce gun violence in
31 a manner consistent with the Second Amendment principles
32 articulated by the current Supreme Court jurisprudence. These
33 revisions will focus on factors other than the need or purpose a
34 person may assert as justification to carry a handgun, such as the
35 person's background and qualifications, with the ultimate goal of
36 keeping New Jersey streets and neighborhoods safe from gun
37 violence.

38

39 2. N.J.S.2C:58-3 is amended to read as follows:

40 2C:58-3. a. Permit to purchase a handgun.

41 (1) No person shall sell, give, transfer, assign or otherwise
42 dispose of, nor receive, purchase, or otherwise acquire a handgun
43 unless the purchaser, assignee, donee, receiver or holder is licensed
44 as a dealer under this chapter or has first secured a permit to
45 purchase a handgun as provided by this section.

46 (2) A person who is not a licensed retail dealer and sells, gives,
47 transfers, assigns, or otherwise disposes of, or receives, purchases

1 or otherwise acquires a handgun pursuant to this section shall
2 conduct the transaction through a licensed retail dealer.

3 The provisions of this paragraph shall not apply if the transaction
4 is:

5 (a) between members of an immediate family as defined in
6 subsection n. of this section;

7 (b) between law enforcement officers;

8 (c) between collectors of firearms or ammunition as curios or
9 relics as defined in Title 18, U.S.C. section 921 (a) (13) who have
10 in their possession a valid Collector of Curios and Relics License
11 issued by the Bureau of Alcohol, Tobacco, Firearms, and
12 Explosives; or

13 (d) a temporary transfer pursuant to section 1 of P.L.1992, c.74
14 (C.2C:58-3.1) or section 1 of P.L.1997, c.375 (C.2C:58-3.2).

15 (3) Prior to a transaction conducted pursuant to this subsection,
16 the retail dealer shall complete a National Instant Criminal
17 Background Check of the person acquiring the handgun. In
18 addition:

19 (a) the retail dealer shall submit to the Superintendent of State
20 Police, on a form approved by the superintendent, information
21 identifying and confirming the background check;

22 (b) every retail dealer shall maintain a record of transactions
23 conducted pursuant to this subsection, which shall be maintained at
24 the address displayed on the retail dealer's license for inspection by
25 a law enforcement officer during reasonable hours;

26 (c) a retail dealer may charge a fee for a transaction conducted
27 pursuant to this subsection; and

28 (d) any record produced pursuant to this subsection shall not be
29 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et
30 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

31 b. Firearms purchaser identification card.

32 (1) **[No]** A person shall not sell, give, transfer, assign or
33 otherwise dispose of nor receive, purchase or otherwise acquire an
34 antique cannon or a rifle or shotgun, other than an antique rifle or
35 shotgun, unless the purchaser, assignee, donee, receiver or holder is
36 licensed as a dealer under this chapter or possesses a valid firearms
37 purchaser identification card, and first exhibits the card to the seller,
38 donor, transferor or assignor, and unless the purchaser, assignee,
39 donee, receiver or holder signs a written certification, on a form
40 prescribed by the superintendent, which shall indicate that **[he]** the
41 person presently complies with the requirements of subsection c. of
42 this section and shall contain **[his]** the person's name, address and
43 firearms purchaser identification card number or dealer's
44 registration number. The certification shall be retained by the
45 seller, as provided in paragraph (4) of subsection a. of N.J.S.2C:58-
46 2, or, in the case of a person who is not a dealer, it may be filed
47 with the chief of police of the municipality in which **[he]** the
48 person resides or with the superintendent.

1 (2) A person who is not a licensed retail dealer and sells, gives,
2 transfers, assigns, or otherwise disposes of, or receives, purchases
3 or otherwise acquires an antique cannon or a rifle or shotgun
4 pursuant to this section shall conduct the transaction through a
5 licensed retail dealer.

6 The provisions of this paragraph shall not apply if the transaction
7 is:

8 (a) between members of an immediate family as defined in
9 subsection n. of this section;

10 (b) between law enforcement officers;

11 (c) between collectors of firearms or ammunition as curios or
12 relics as defined in Title 18, U.S.C. section 921 (a) (13) who have
13 in their possession a valid Collector of Curios and Relics License
14 issued by the Bureau of Alcohol, Tobacco, Firearms, and
15 Explosives; or

16 (d) a temporary transfer pursuant to section 1 of P.L.1992, c.74
17 (C.2C:58-3.1) and section 1 of P.L.1997, c.375 (C.2C:58-3.2).

18 (3) Prior to a transaction conducted pursuant to this subsection,
19 the retail dealer shall complete a National Instant Criminal
20 Background Check of the person acquiring an antique cannon or a
21 rifle or shotgun. In addition:

22 (a) the retail dealer shall submit to the Superintendent of State
23 Police, on a form approved by the superintendent, information
24 identifying and confirming the background check;

25 (b) every retail dealer shall maintain a record of transactions
26 conducted pursuant to this section which shall be maintained at the
27 address set forth on the retail dealer's license for inspection by a law
28 enforcement officer during reasonable hours;

29 (c) a retail dealer may charge a fee, not to exceed \$25, for a
30 transaction conducted pursuant to this subsection; and

31 (d) any record produced pursuant to this subsection shall not be
32 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et
33 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

34 c. Who may obtain. **[No]** Except as hereinafter provided, a
35 person [of good character and good repute] shall not be denied a
36 permit to purchase a handgun or a firearms purchaser identification
37 card, unless the person is known in the community in which [he]
38 the person lives as someone who has engaged in acts or made
39 statements suggesting the person is likely to engage in conduct,
40 other than justified self-defense, that would pose a danger to self or
41 others, [and who] or is [not] subject to any of the disabilities set
42 forth in this section or other sections of this chapter [, shall be
43 denied a permit to purchase a handgun or a firearms purchaser
44 identification card, except as hereinafter set forth]. [No] A
45 handgun purchase permit or firearms purchaser identification card
46 shall not be issued:

- 1 (1) To any person who has been convicted of any crime, or a
2 disorderly persons offense involving an act of domestic violence as
3 defined in section 3 of P.L.1991, c.261 (C.2C:25-19), whether or
4 not armed with or possessing a weapon at the time of the offense;
- 5 (2) To any drug-dependent person as defined in section 2 of
6 P.L.1970, c.226 (C.24:21-2), to any person who is presently
7 confined for a mental disorder **【to a hospital, mental institution or**
8 **sanitarium】** as a voluntary admission as defined in section 2 of
9 P.L.1987, c.116 (C.30:4-27.2) or involuntarily committed to
10 inpatient or outpatient treatment pursuant to section 1 of P.L.1987,
11 c.116 (C.30:4-27.1), or to any person who is presently 【an habitual
12 drunkard】 an alcoholic, as defined by section 2 of P.L.1975, c.305
13 (C.26:2B-8);
- 14 (3) To any person who suffers from a physical defect or disease
15 which would make it unsafe for **【him】 that person** to handle
16 firearms, **【to any person who has ever been confined for a mental**
17 **disorder,】** or to any alcoholic as defined by section 2 of P.L.1975,
18 c.305 (C.26:2B-8) unless any of the foregoing persons produces a
19 certificate of a medical doctor or psychiatrist licensed in New
20 Jersey, or other satisfactory proof, that **【he】 the person** is no longer
21 suffering from that particular disability in a manner that would
22 interfere with or handicap **【him】 that person** in the handling of
23 firearms; to any person who knowingly falsifies any information on
24 the application form for a handgun purchase permit or firearms
25 purchaser identification card;
- 26 (4) To any person under the age of 18 years for a firearms
27 purchaser identification card and to any person under the age of 21
28 years for a permit to purchase a handgun;
- 29 (5) To any person where the issuance would not be in the interest
30 of the public health, safety or welfare because the person is found to
31 be lacking the essential character or temperament necessary to be
32 entrusted with a firearm;
- 33 (6) To any person who is subject to or has violated a temporary
34 or final restraining order issued pursuant to the "Prevention of
35 Domestic Violence Act of 1991", P.L.1991, c.261 (C.2C:25-17 et
36 seq.) prohibiting the person from possessing any firearm or a
37 temporary or final domestic violence restraining order issued in
38 another jurisdiction prohibiting the person from possessing any
39 firearm;
- 40 (7) To any person who as a juvenile was adjudicated delinquent
41 for an offense which, if committed by an adult, would constitute a
42 crime and the offense involved the unlawful use or possession of a
43 weapon, explosive or destructive device or is enumerated in
44 subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2);
- 45 (8) To any person whose firearm is seized pursuant to the
46 "Prevention of Domestic Violence Act of 1991", P.L.1991, c.261
47 (C.2C:25-17 et seq.) and whose firearm has not been returned; or

1 (9) To any person named on the consolidated Terrorist Watchlist
2 maintained by the Terrorist Screening Center administered by the
3 Federal Bureau of Investigation;

4 (10) To any person who is subject to or has violated a court order
5 prohibiting the custody, control, ownership, purchase, possession,
6 or receipt of a firearm or ammunition issued pursuant to the
7 "Extreme Risk Protective Order Act of 2018", P.L.2018, c.35
8 (C.2C:58-20 et al.);

9 (11) To any person who is subject to or has violated a court order
10 prohibiting the custody, control, ownership, purchase, possession,
11 or receipt of a firearm or ammunition issued pursuant to P.L.2021,
12 c.327 (C.2C:12-14 et al.);

13 (12) To any person who is subject to or has violated a temporary
14 or final restraining order issued pursuant to the "Sexual Assault
15 Survivor Protection Act of 2015," P.L.2015, c.147 (C.2C:14-13 et
16 al.);

17 (13) To any person who has previously been voluntarily admitted
18 or involuntarily committed to inpatient or outpatient treatment
19 pursuant to section 1 of P.L.1987, c.116 (C.30:4-27.1), unless the
20 court has expunged the person's record pursuant to P.L.1953, c.268
21 (C.30:4-80.8 et seq.);

22 (14) To any person who is subject to an outstanding arrest
23 warrant for an indictable crime in this State or for a felony, other
24 than a felony to which section 1 of P.L.2022, c.50 (C.2A:160-14.1)
25 would apply, in any other state or federal jurisdiction;

26 (15) To any person who is a fugitive from justice due to having
27 fled from any state or federal jurisdiction to avoid prosecution for a
28 crime, other than a crime to which section 1 of P.L.2022, c.50
29 (C.2A:160-14.1) would apply, or to avoid giving testimony in any
30 criminal proceeding; or

31 (16) To any person who has been convicted of more than one
32 crime of the fourth degree in violation of sections 4, 5, or 6 of
33 P.L. , c. (C.)(pending before the Legislature as this bill).

34 In order to obtain a permit to purchase a handgun or a firearms
35 purchaser identification card, the applicant shall demonstrate that,
36 within four years prior to the date of the application, the applicant
37 satisfactorily completed a course of instruction approved by the
38 superintendent in the lawful and safe handling and storage of
39 firearms. The applicant shall be required to demonstrate
40 completion of a course of instruction only once prior to obtaining
41 either a firearms purchaser identification card or the applicant's first
42 permit to purchase a handgun.

43 The applicant shall not be required to demonstrate completion of
44 a course of instruction in order to obtain any subsequent permit to
45 purchase a handgun, to replace an existing firearms purchaser
46 identification card, or to renew a firearms purchaser identification
47 card.

1 An applicant who is a law enforcement officer who has satisfied
2 the requirements of subsection j. of N.J.S.2C:39-6, a retired law
3 enforcement officer who has satisfied the requirements of
4 subsection l. of N.J.S.2C:39-6, or a veteran who was honorably
5 discharged as a member of the United States Armed Forces or
6 National Guard who received substantially equivalent training shall
7 not be required to complete the course of instruction required
8 pursuant to the provisions of this subsection.

9 A person who obtained a permit to purchase a handgun or a
10 firearms purchaser identification card prior to the effective date of
11 P.L.2022, c.58 shall not be required to complete a course of
12 instruction pursuant to this subsection.

13 d. Issuance. The chief of police of an organized full-time
14 police department of the municipality where the applicant resides or
15 the superintendent, in all other cases, shall upon application, issue
16 to any person qualified under the provisions of subsection c. of this
17 section a permit to purchase a handgun or a firearms purchaser
18 identification card.

19 A firearms purchaser identification card issued following the
20 effective date of P.L.2022, c.58 shall display a color photograph
21 and **【a thumb print】** be electronically linked to the fingerprints of
22 the card holder. A person who obtained a firearms purchaser
23 identification card prior to the effective date of P.L.2022, c.58 shall
24 not be required to obtain a firearm purchaser identification card that
25 displays a color photograph and **【a thumb print】** is electronically
26 linked to the fingerprints. The superintendent shall establish
27 guidelines as necessary to effectuate the issuance of firearms
28 purchaser identification cards that display a color photograph and
29 **【a thumb print】** which is electronically linked to the fingerprints of
30 the card holder.

31 The requirements of this subsection concerning firearms
32 purchaser identification cards issued following the effective date of
33 P.L.2022, c.58 shall remain inoperative until such time as the
34 superintendent establishes a system to produce cards that comply
35 with this requirement and, until such time, applicants issued a
36 firearms purchaser identification card shall be provided with cards
37 that do not conform to the requirements of this section, which shall
38 be afforded force and effect until such time as the system is
39 established and a compliant card is issued in accordance with this
40 subsection. An applicant issued a non-compliant firearms purchaser
41 identification card shall obtain a card, at no cost to the applicant,
42 which conforms to the requirements of this section no later than one
43 year after receiving notice that the system to produce cards that
44 comply with this requirement is operational.

45 If an application for a permit or identification card is denied, the
46 applicant shall be provided with a written statement of the reasons
47 for the denial. Any person aggrieved by the denial of a permit or
48 identification card may request a hearing in the Superior Court of

1 the county in which **[he]** the person resides if **[he]** the person is a
2 resident of New Jersey or in the Superior Court of the county in
3 which **[his]** the person's application was filed if **[he]** the person is
4 a nonresident. The request for a hearing shall be made in writing
5 within 30 days of the denial of the application for a permit or
6 identification card. The applicant shall serve a copy of **[his]** the
7 request for a hearing upon the chief of police of the municipality in
8 which he resides, if **[he]** the person is a resident of New Jersey, and
9 upon the superintendent in all cases. The hearing shall be held and
10 a record made thereof within **[30]** 60 days of the receipt of the
11 application for a hearing by the judge of the Superior Court. No
12 formal pleading and no filing fee shall be required as a preliminary
13 to a hearing. Appeals from the results of a hearing shall be in
14 accordance with law.

15 The Administrative Director of the Courts shall coordinate with
16 the superintendent in the development of an electronic filing system
17 to receive requests for hearings and serve the chief of police and
18 superintendent as required in this section.

19 e. Applications. Applications for permits to purchase a
20 handgun and for firearms purchaser identification cards shall be in
21 the form prescribed by the superintendent and shall set forth the
22 name, residence, place of business, age, date of birth, occupation,
23 **[sex]** any aliases or other names previously used by the applicant,
24 gender, and physical description, including distinguishing physical
25 characteristics, if any, of the applicant, and shall state whether the
26 applicant is a citizen, whether **[he]** the applicant is an alcoholic **[,**
27 habitual drunkard,] as defined in section 2 of P.L.1975, c. 305 (C.
28 26:2B-8) or is a drug-dependent person as defined in section 2 of
29 P.L.1970, c.226 (C.24:21-2), whether **[he]** the applicant has ever

30 been confined or committed to a mental institution or hospital for
31 treatment or observation of a mental or psychiatric condition on a
32 temporary, interim or permanent basis, giving the name and
33 location of the institution or hospital and the dates of confinement
34 or commitment, whether **[he]** the applicant has been attended,
35 treated or observed by any doctor or psychiatrist or at any hospital
36 or mental institution on an inpatient or outpatient basis for any
37 mental or psychiatric condition, giving the name and location of the
38 doctor, psychiatrist, hospital or institution and the dates of the
39 occurrence, whether **[he]** the applicant presently or ever has been a
40 member of any organization which advocates or approves the
41 commission of acts of force and violence to overthrow the
42 Government of the United States or of this State, or which seeks to
43 deny others their rights under the Constitution of either the United
44 States or the State of New Jersey, whether **[he]** the applicant has
45 ever been convicted of a crime or disorderly persons offense,
46 whether the **[person]** applicant is subject to a restraining order
47 issued pursuant to the "Prevention of Domestic Violence Act of

1 1991", P.L.1991, c.261 (C.2C:25-17 et seq.) prohibiting the
2 **【person】 applicant** from possessing any firearm, whether the
3 **【person】 applicant** is subject to a protective order issued pursuant
4 to the "Extreme Risk Protective Order Act of 2018", P.L.2018, c.35
5 (C.2C:58-20 et al.), whether the **【person】 applicant** is subject to a
6 protective order issued pursuant to P.L.2021, c.327 (C.2C:12-14 et
7 al.) prohibiting the **【person】 applicant** from possessing any firearm,
8 and other information as the superintendent shall deem necessary
9 for the proper enforcement of this chapter. For the purpose of
10 complying with this subsection, the applicant shall waive any
11 statutory or other right of confidentiality relating to institutional
12 confinement. The application shall be signed by the applicant and
13 shall contain as references the names and addresses of two
14 reputable citizens personally acquainted with **【him】 the applicant**.

15 An application for a permit to purchase a handgun shall also
16 indicate, with respect to each handgun listed on the form, whether
17 the applicant is purchasing the handgun on the applicant's own
18 behalf or on behalf of a third party and shall specify that the
19 applicant is not an actual purchaser if the applicant is acquiring the
20 handgun on behalf of another person, unless otherwise permitted by
21 law.

22 Application blanks shall be obtainable from the superintendent,
23 from any other officer authorized to grant a permit or identification
24 card, and from licensed retail dealers, or shall be made available
25 through an online process established or made available by the
26 superintendent.

27 The chief police officer or the superintendent shall obtain the
28 fingerprints of the applicant and shall have them compared with any
29 and all records of fingerprints in the municipality and county in
30 which the applicant resides and also the records of the State Bureau
31 of Identification and the Federal Bureau of Investigation, provided
32 that an applicant for a handgun purchase permit who possesses a
33 valid firearms purchaser identification card, or who has previously
34 obtained a handgun purchase permit from the same licensing
35 authority for which **【he】 the applicant** was previously fingerprinted,
36 and who provides other reasonably satisfactory proof of **【his】 the**
37 applicant's identity, need not be fingerprinted again; however, the
38 chief police officer or the superintendent shall proceed to
39 investigate the application to determine whether or not the applicant
40 has become subject to any of the disabilities set forth in this
41 chapter.

42 f. Granting of permit or identification card; fee; term; renewal;
43 revocation. The application for the permit to purchase a handgun
44 together with a fee of **【\$2】 \$25**, or the application for the firearms
45 purchaser identification card together with a fee of **【\$5】 \$50**, shall
46 be delivered or forwarded to the licensing authority who, upon
47 determining that the application is complete, shall investigate the

1 same and, unless good cause for the denial thereof appears, shall
2 grant the permit or the identification card, or both, if application has
3 been made therefor, within 30 days from the date of receipt of the
4 completed application for residents of this State and within 45 days
5 for nonresident applicants. A permit to purchase a handgun shall be
6 valid for a period of 90 days from the date of issuance and may be
7 renewed by the issuing authority for good cause for an additional 90
8 days. A firearms purchaser identification card issued or renewed
9 after the effective date of P.L.2022, c.58 shall expire during the
10 tenth calendar year following its date of issuance and on the same
11 calendar day as the person's date of birth.

12 If the date of birth of the firearms purchaser identification card
13 holder does not correspond to a calendar day of the tenth calendar
14 year, the card shall expire on the last day of the birth month of the
15 card holder.

16 A firearms purchaser identification card issued pursuant to this
17 section may be renewed upon filing of a renewal application and
18 payment of the required fee, provided that the holder is not subject
19 to any of the disabilities set forth in subsection c. of this section and
20 complies with all other applicable requirements as set forth in
21 statute and regulation. If an application for renewal of a firearm
22 purchaser identification card is denied, the applicant shall be
23 provided with a written statement of the reasons for the denial. Any
24 person aggrieved by the denial of an application for renewal of a
25 firearm purchaser identification card may request a hearing in the
26 Superior Court of the county in which the person resides if the
27 person is a resident of New Jersey or in the Superior Court of the
28 county in which the person's application was filed if the person is a
29 nonresident. The request for a hearing shall be made in writing
30 within 30 days of the denial of the application for renewal of the
31 firearm purchaser identification card. The applicant shall serve a
32 copy of the request for a hearing upon the chief of police of the
33 municipality in which the applicant resides, if the person is a
34 resident of New Jersey, and upon the superintendent in all cases.
35 The hearing shall be held and a record made thereof within 60 days
36 of the receipt of the application for a hearing by the judge of the
37 Superior Court. A formal pleading and filing fee shall not be
38 required as a preliminary to a hearing. Appeals from the results of a
39 hearing shall be in accordance with law.

40 The Administrative Director of the Courts shall coordinate with
41 the superintendent in the development of an electronic filing system
42 to receive requests for hearings and serve the chief of police and
43 superintendent as required in this section.

44 A firearms purchaser identification card issued prior to the
45 effective date of P.L.2022, c.58 shall not expire.

46 A firearms purchaser identification card shall be void if the
47 holder becomes subject to any of the disabilities set forth in
48 subsection c. of this section, whereupon the card shall be returned

1 within five days by the holder to the superintendent, who shall then
2 advise the licensing authority. Failure of the holder to return the
3 firearms purchaser identification card to the superintendent within
4 the five days shall be an offense under subsection a. of N.J.S.2C:39-
5 10. Any firearms purchaser identification card may be revoked by
6 the Superior Court of the county wherein the card was issued, after
7 hearing upon notice, upon a finding that the holder thereof no
8 longer qualifies for the issuance of the permit. The county
9 prosecutor of any county, the chief police officer of any
10 municipality or any citizen may apply to the court at any time for
11 the revocation of the card.

12 There shall be no conditions or requirements added to the form
13 or content of the application, or required by the licensing authority
14 for the issuance or renewal of a permit or identification card, other
15 than those that are specifically set forth in this chapter.

16 g. Disposition of fees. All fees for permits shall be paid to the
17 State Treasury for deposit into the Victims of Crime Compensation
18 Office account if the permit is issued by the superintendent, to the
19 municipality if issued by the chief of police, and to the county
20 treasurer if issued by the judge of the Superior Court.

21 h. Form of permit; **【quadruplicate】** establishment of a web
22 portal; disposition of **【copies】** the completed information. (1)
23 Except as otherwise provided in paragraph (2) of this subsection,
24 the permit shall be in the form prescribed by the superintendent and
25 shall be issued to the applicant **【in quadruplicate】** electronically
26 through e-mail or the web portal established or designated for this
27 purpose by the superintendent or in such form or manner as may be
28 authorized by the superintendent. Prior to the time **【he】** the
29 applicant receives the handgun from the seller, the applicant shall
30 **【deliver】** provide to the seller an acknowledgement of the permit in
31 **【quadruplicate】** the form required under the process established by
32 the superintendent, and the seller shall complete all of the
33 information required on the **【form】** web portal. **【Within five days**
34 **of the date of the sale, the seller shall forward the original copy】**
35 This information shall be forwarded to the superintendent through
36 the web portal, or in such other manner as may be authorized by the
37 superintendent, and **【the second copy】** to the chief of police of the
38 municipality in which the purchaser resides, except that in a
39 municipality having no chief of police, **【the copy】** the information
40 shall be forwarded to the superintendent. The **【third copy shall then**
41 **be returned to the】** purchaser **【with the pistol or revolver】** shall
42 retain a copy of the completed information and the **【fourth copy**
43 **shall be kept by the】** seller shall retain a copy of the completed
44 information as a permanent record.

45 A transfer of a handgun between or among immediate family
46 members, law enforcement officers, or collectors of firearms or
47 ammunition as curios or relics shall be conducted via the web portal

1 established or designated by the superintendent, which shall include
2 among other things a certification that the seller and purchaser are
3 in fact immediate family members, law enforcement officers, or
4 collectors of firearms or ammunition as curios or relics.

5 (2) The requirements of this subsection concerning the delivery
6 and form of permit and disposition of copies shall not be applicable
7 when these functions may be completed by utilizing an electronic
8 system as described in paragraph (2) of subsection b. of
9 N.J.S.2C:58-2 or section 5 of P.L.2022, c.55 (C.2C:58-3.3a).

10 i. Restriction on number of firearms person may purchase.
11 Only one handgun shall be purchased or delivered on each permit
12 and no more than one handgun shall be purchased within any 30-
13 day period, but this limitation shall not apply to:

14 (1) a federal, State, or local law enforcement officer or agency
15 purchasing handguns for use by officers in the actual performance
16 of their law enforcement duties;

17 (2) a collector of handguns as curios or relics as defined in Title
18 18, United States Code, section 921 (a) (13) who has in **【his】** the
19 collector's possession a valid Collector of Curios and Relics
20 License issued by the federal Bureau of Alcohol, Tobacco, Firearms
21 and Explosives;

22 (3) transfers of handguns among licensed retail dealers,
23 registered wholesale dealers and registered manufacturers;

24 (4) transfers of handguns from any person to a licensed retail
25 dealer or a registered wholesale dealer or registered manufacturer;

26 (5) any transaction where the person has purchased a handgun
27 from a licensed retail dealer and has returned that handgun to the
28 dealer in exchange for another handgun within 30 days of the
29 original transaction, provided the retail dealer reports the exchange
30 transaction to the superintendent; or

31 (6) any transaction where the superintendent issues an exemption
32 from the prohibition in this subsection pursuant to the provisions of
33 section 4 of P.L.2009, c.186 (C.2C:58-3.4).

34 The provisions of this subsection shall not be construed to afford
35 or authorize any other exemption from the regulatory provisions
36 governing firearms set forth in chapter 39 and chapter 58 of Title
37 2C of the New Jersey Statutes;

38 A person shall not be restricted as to the number of rifles or
39 shotguns **【he】** the person may purchase, provided **【he】** the person
40 possesses a valid firearms purchaser identification card and
41 provided further that **【he】** the person signs the certification required
42 in subsection b. of this section for each transaction.

43 j. Firearms passing to heirs or legatees. Notwithstanding any
44 other provision of this section concerning the transfer, receipt or
45 acquisition of a firearm, a permit to purchase or a firearms
46 purchaser identification card shall not be required for the passing of
47 a firearm upon the death of an owner thereof to **【his】** the owner's
48 heir or legatee, whether the same be by testamentary bequest or by

1 the laws of intestacy. The person who shall so receive, or acquire
2 the firearm shall, however, be subject to all other provisions of this
3 chapter. If the heir or legatee of the firearm does not qualify to
4 possess or carry it, ~~he~~ the heir or legatee may retain ownership of
5 the firearm for the purpose of sale for a period not exceeding 180
6 days, or for a further limited period as may be approved by the chief
7 law enforcement officer of the municipality in which the heir or
8 legatee resides or the superintendent, provided that the firearm is in
9 the custody of the chief law enforcement officer of the municipality
10 or the superintendent during that period.

11 k. Sawed-off shotguns. Nothing in this section shall be
12 construed to authorize the purchase or possession of any sawed-off
13 shotgun.

14 l. Nothing in this section and in N.J.S.2C:58-2 shall apply to
15 the sale or purchase of a visual distress signalling device approved
16 by the United States Coast Guard, solely for possession on a private
17 or commercial aircraft or any boat; provided, however, that no
18 person under the age of 18 years shall purchase nor shall any person
19 sell to a person under the age of 18 years a visual distress signalling
20 device.

21 m. The provisions of subsections a. and b. of this section and
22 paragraphs (4) and (5) of subsection a. of N.J.S.2C:58-2 shall not
23 apply to the purchase of firearms by a law enforcement agency for
24 use by law enforcement officers in the actual performance of the
25 current or former judge's duties, which purchase may be made
26 directly from a manufacturer or from a licensed dealer located in
27 this State or any other state.

28 n. For the purposes of this section, "immediate family" means a
29 spouse, domestic partner as defined in section 3 of P.L.2003, c.246
30 (C.26:8A-3), partner in a civil union couple as defined in section 2
31 of P.L.2006, c.103 (C.37:1-29), parent, stepparent, grandparent,
32 sibling, stepsibling, child, stepchild, and grandchild, as related by
33 blood or by law.

34 o. Registration of handguns owned by new residents. Any
35 person who becomes a resident of this State following the effective
36 date of P.L.2022, c.52 and who transports into this State a firearm
37 that the person owned or acquired while residing in another state
38 shall apply for a firearm purchaser identification card within 60
39 days of becoming a New Jersey resident, and shall register any
40 handgun so transported into this State within 60 days as provided in
41 this subsection.

42 A person who registers a handgun pursuant to this subsection
43 shall complete a registration statement, which shall be in a form
44 prescribed by the superintendent. The information provided in the
45 registration statement shall include, but shall not be limited to, the
46 name and address of the person and the make, model, and serial
47 number of the handgun being registered. Each registration
48 statement shall be signed by the person, and the signature shall

1 constitute a representation of the accuracy of the information
2 contained in the registration statement.

3 The registration statement shall be submitted to the law
4 enforcement agency of the municipality in which the person resides
5 or, if the municipality does not have a municipal law enforcement
6 agency, any State Police station.

7 Within 60 days prior to the effective date of P.L.2022, c.52, the
8 superintendent shall prepare the form of registration statement as
9 described in this subsection and shall provide a suitable supply of
10 statements to each organized full-time municipal police department
11 and each State Police station.

12 A person who fails to apply for a firearm purchaser identification
13 card or register a handgun as required pursuant to this subsection
14 shall be granted 30 days to comply with the provisions of this
15 subsection. If the person does not comply within 30 days, the
16 person shall be liable to a civil penalty of \$250 for a first offense
17 and shall be guilty of a disorderly persons offense for a second or
18 subsequent offense.

19 If a person is in possession of multiple firearms or handguns in
20 violation of this subsection, the person shall be guilty of one
21 offense under this subsection provided the violation is a single
22 event.

23 The civil penalty shall be collected pursuant to the "Penalty
24 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) in
25 a summary proceeding before the municipal court having
26 jurisdiction. A law enforcement officer having enforcement
27 authority in that municipality may issue a summons for a violation,
28 and may serve and execute all process with respect to the
29 enforcement of this subsection consistent with the Rules of Court.

30 (cf: P.L.2022, c.58, s.1)

31

32 3. N.J.S.2C:58-4 is amended to read as follows:

33 2C:58-4. a. Scope and duration of authority. Any person who
34 holds a valid permit to carry a handgun issued pursuant to this
35 section shall be authorized to carry a handgun in a holster concealed
36 on their person in all parts of this State, except as prohibited by
37 subsection e. of N.J.S.2C:39-5 and section 7 of P.L. , c. (C.)
38 (pending before Legislature as this bill). One permit shall be
39 sufficient for all handguns owned by the holder thereof, but the
40 permit shall apply only to a handgun carried by the actual and legal
41 holder of the permit and, except as otherwise provided in subsection
42 b. of section 6 of P.L. , c. (C.)(pending before the
43 Legislature as this bill), shall not be construed to authorize a holder
44 to carry a handgun openly, provided that a brief, incidental
45 exposure of a handgun while transferring it to or from a holster or
46 due to the shifting of the person's body position or clothing shall be
47 deemed a de minimis infraction within the contemplation of
48 N.J.S.2C:2-11.

1 All permits to carry handguns shall expire two years from the
2 date of issuance or, in the case of an employee of an armored car
3 company, upon termination of **[his]** the employee's employment by
4 the company occurring prior thereto whichever is earlier in time,
5 and they may thereafter be renewed every two years in the same
6 manner and subject to the same conditions as in the case of original
7 applications.

8 b. Application forms. All applications for permits to carry
9 handguns, and all applications for renewal of permits, shall be made
10 on the forms and in the manner prescribed by the superintendent.
11 Each application shall set forth the full name, date of birth, **[sex]**
12 gender, residence, occupation, place of business or employment,
13 any aliases or other names previously used by the applicant, and
14 physical description of the applicant, and any other information the
15 superintendent may prescribe for the determination of the
16 applicant's eligibility for a permit and for the proper enforcement of
17 this chapter. The application shall be signed by the applicant under
18 oath, and shall be **[indorsed]** endorsed by **[three]** not less than four
19 reputable persons who are not related by blood or by law to the
20 applicant and have known the applicant for at least three years
21 preceding the date of application, and who shall certify thereon that
22 the applicant [is a person of good moral character and behavior]
23 has not engaged in any acts or made any statements that suggest the
24 applicant is likely to engage in conduct, other than lawful self-
25 defense, that would pose a danger to the applicant or others. The
26 reputable persons also shall provide relevant information supporting
27 the certification, including the nature and extent of their
28 relationship with the applicant and information concerning their
29 knowledge of the applicant's use of drugs or alcohol.

30 c. Investigation and approval. Each application shall be
31 accompanied by a \$200 application fee and shall in the first
32 instance be submitted to the chief police officer of the municipality
33 in which the applicant resides, or to the superintendent **[,]** if: (1)
34 **[if]** the applicant is an employee of an armored car company **[, or]**
35 **;** (2) **[if]** there is no chief police officer in the municipality where
36 the applicant resides **[, or]** **;** (3) **[if]** the applicant does not reside in
37 this State; or (4) the applicant is a mayor or other elected member
38 of the municipal governing body.

39 In the case of an application made to the chief police officer of a
40 municipality, \$150 of the fee shall be retained by the municipality
41 and the remaining \$50 shall be forwarded to the superintendent.
42 The fee amount retained by the municipality shall be used to defray
43 the costs of investigation, administration, and processing of the
44 permit to carry handgun applications. Application fees made to the
45 superintendent shall be deposited into the Victims of Crime
46 Compensation Office account.

1 The chief police officer, or the superintendent, as the case may
2 be, shall determine whether the application is complete and, if so,
3 shall cause the fingerprints of the applicant to be taken and
4 compared with any and all records maintained by the municipality,
5 the county in which it is located, the State Bureau of Identification
6 and the Federal Bureau of Identification. **【He】** The chief police
7 officer or the superintendent, as the case may be, shall also determine
8 and record a complete description of each handgun the applicant
9 intends to carry. The chief police officer, or the superintendent, as
10 the case may be, shall interview the applicant and the persons
11 endorsing the application under subsection b. of this section, and
12 shall make inquiry concerning, and investigate to the extent
13 warranted, whether the applicant is likely to engage in conduct that
14 would result in harm to the applicant or others, including, but not
15 limited to, whether the applicant has any history of threats or acts of
16 violence by the applicant directed toward self or others or any
17 history of use, attempted use, or threatened use of physical force by
18 the applicant against another person, or other incidents implicating
19 the disqualifying criteria set forth in subsection c. of N.J.S.2C:58-3,
20 including but not limited to determining whether the applicant has
21 been subject to any recent arrests or criminal charges for
22 disqualifying crimes or has been experiencing any mental health
23 issues such as suicidal ideation or violent impulses, and the
24 applicant's use of drugs or alcohol.

25 The chief police officer or the superintendent may require such
26 other information from the applicant or any other person, including
27 but not limited to publicly available statements posted or published
28 online by the applicant, as the chief police officer or superintendent
29 deems reasonably necessary to conduct the review of the
30 application.

31 **【No】** An application shall not be approved by the chief police
32 officer or the superintendent unless the applicant demonstrates that
33 **【he】** the applicant is not subject to any of the disabilities set forth
34 in subsection c. of N.J.S.2C:58-3, that 【he】 the applicant is
35 thoroughly familiar with the safe handling and use of handguns,
36 including providing proof of completion of any training or
37 proficiency requirements established under the law, and that 【he
38 has a justifiable need to carry a handgun】 the applicant is in
39 compliance with the firearm carry liability insurance requirement of
40 section 4 of P.L. , c. (C.)(pending before the Legislature as this
41 bill).

42 **【Each application form shall be accompanied by a written**
43 **certification of justifiable need to carry a handgun, which shall be**
44 **under oath and, in the case of a private citizen, shall specify in**
45 **detail the urgent necessity for self-protection, as evidenced by**
46 **specific threats or previous attacks which demonstrate a special**
47 **danger to the applicant's life that cannot be avoided by means other**

1 than by issuance of a permit to carry a handgun. Where possible,
2 the applicant shall corroborate the existence of any specific threats
3 or previous attacks by reference to reports of the incidents to the
4 appropriate law enforcement agencies.

5 If ~~Once~~ the application is ~~[not approved]~~ deemed complete by
6 the chief police officer or the superintendent, if it is not approved
7 or denied by the chief police officer or the superintendent within
8 ~~[60]~~ 90 days of filing, it shall be deemed to have been approved
9 ~~[unless the applicant agrees];~~ provided, however, the chief police
10 officer or the superintendent may, for good cause shown and upon
11 written notification to the applicant, extend by up to an additional
12 30 days the time period for which the application may be approved
13 or denied. The written notification sent to the applicant shall
14 provide a detailed explanation of the reasons for the extension. An
15 applicant also may agree in writing to an additional extension of
16 time [in writing] past the 120 day statutory time frame.

17 d. Issuance ~~[by Superior Court]~~ of permit; establishment of
18 web portal; disposition of completed information; fee. If the
19 application has been approved by the chief police officer or the
20 superintendent, as the case may be, the ~~[applicant shall forthwith~~
21 present it to the Superior Court of the county in which the applicant
22 resides, or to the Superior Court in any county where he intends to
23 carry a handgun, in the case of a nonresident or employee of an
24 armored car company. The court shall] chief police officer or the
25 superintendent shall issue the permit to the applicant in the form
26 prescribed by the superintendent.

27 The permit shall be issued to the applicant electronically through
28 electronic mail or through the web portal established or designated
29 for this purpose by the superintendent, or in such form or manner as
30 may be authorized by the superintendent, if, but only if, [it is
31 satisfied] the chief police officer or superintendent determines that
32 the applicant:

33 (1) is a person [of good character] who has not engaged in any
34 acts or made any statements that suggest the applicant is likely to
35 engage in conduct, other than lawful self-defense, that would pose a
36 danger to the applicant or others and who is not subject to any of
37 the disabilities set forth in subsection c. of N.J.S.2C:58-3, [that he
38 is];

39 (2) is thoroughly familiar with the safe handling and use of
40 handguns [.] ; and [that he has a justifiable need to carry a
41 handgun in accordance with the provisions of subsection c. of this
42 section. The court may at its discretion issue a limited-type permit
43 which would restrict the applicant as to the types of handguns he
44 may carry and where and for what purposes the handguns may be
45 carried]

46 (3) has completed the training requirements established pursuant
47 to subsection g. of this section, provided that any requirement for

1 classroom instruction and target training shall not be required for a
2 renewal applicant who completed the instruction and training when
3 obtaining a permit to carry a handgun issued within the previous
4 two years; and

5 (4) is in compliance with the firearm carry liability insurance
6 requirement of section 4 of P.L. , c. (C.)(pending before the
7 Legislature as this bill).

8 At the time of issuance, the applicant shall pay to the county
9 clerk of the county where the permit was issued a permit fee of
10 ~~[\$20]~~ \$50.

11 e. Appeals from denial of applications. An applicant who is
12 denied a permit to carry a handgun shall be provided with a written
13 statement of the reasons for the denial. Any **[person]** applicant
14 aggrieved by the denial by the chief police officer or the
15 superintendent of approval for a permit to carry a handgun may
16 request a hearing in the Superior Court of the county in which **[he]**
17 the applicant resides or in any county in which **[he]** the applicant
18 intends to carry a handgun, in the case of a nonresident, by filing a
19 written request for a hearing within 30 days of the denial. **[Copies]**
20 The aggrieved applicant shall serve copies of the request **[shall be**
21 **served]** upon the superintendent, the county prosecutor, and the
22 chief police officer of the municipality where the applicant resides,
23 if **[he]** the applicant is a resident of this State. The hearing shall be
24 held within ~~[30]~~ 60 days of the filing of the request, and no formal
25 pleading or filing fee shall be required. Appeals from the
26 determination at the hearing shall be in accordance with law and the
27 rules governing the courts of this State.

28 **[If the superintendent or chief police officer approves an**
29 **application and the Superior Court denies the application and**
30 **refuses to issue a permit, the applicant may appeal the denial in**
31 **accordance with law and the rules governing the courts of this**
32 **State.]**

33 The Administrative Director of the Courts shall coordinate with
34 the superintendent in the development of an electronic filing system
35 to receive requests for hearings and serve the chief of police and
36 superintendent as required in this section.

37 f. Revocation of permits. Any permit issued under this section
38 shall be void at the time the holder thereof becomes subject to any
39 of the disabilities set forth in subsection c. of N.J.S.2C:58-3, and
40 the holder of a void permit shall immediately surrender the permit
41 to the superintendent who shall give notice to the licensing
42 authority. Any permit may be revoked by the Superior Court, after
43 hearing upon notice to the holder, if the court finds that the holder
44 is no longer qualified for the issuance of a permit. The county
45 prosecutor of any county, the chief police officer of any
46 municipality, the superintendent, or any citizen may apply to the

1 court at any time for the revocation of any permit issued pursuant to
2 this section.

3 g. Training requirement. (1) The superintendent shall establish
4 training requirements in the lawful and safe handling and storage of
5 firearms, which shall consist of an online course of instruction, in-
6 person classroom instruction, and target training administered by a
7 certified firearm instructor on a firing range approved by the
8 superintendent and on the list of approved ranges published on the
9 State Police website. The training shall include, but not be limited to,
10 demonstration of a level of proficiency in the use of a handgun in
11 such manner as required by the superintendent and training,
12 developed or approved in conjunction with the Police Training
13 Commission, on justification in the use of deadly force under State
14 law.

15 (2) A person who obtained a permit pursuant to this section prior to
16 the effective date of P.L. _____, c. _____ (C. _____) (pending before the
17 Legislature as this bill) shall comply with the training requirement
18 established pursuant to this subsection within 90 days following the
19 effective date of P.L. _____, c. _____ (C. _____) (pending before the Legislature
20 as this bill)

21 h. For purposes of this section, "holster" means a device or
22 sheath that secures a handgun which, at a minimum, is equipped
23 with a retention strap, conceals and protects the main body of the
24 firearm, maintains the firearm in a consistent and accessible
25 position, and renders the trigger covered and inaccessible while the
26 handgun is fully seated in the holster.

27 (cf: P.L.2018, c.37, s.1)

28

29 4. (New section) a. Every private citizen who carries a handgun
30 in public in this State shall maintain liability insurance coverage, under
31 provisions approved by the Commissioner of Banking and Insurance,
32 insuring against loss resulting from liability imposed by law for bodily
33 injury, death, and property damage sustained by any person arising out
34 of the ownership, maintenance, operation or use of a firearm carried in
35 public wherein such coverage shall be at least in:

36 (1) an amount or limit of \$100,000, exclusive of interest and costs,
37 on account of injury to, or death of, one person, in any one incident;

38 (2) an amount or limit, subject to such limit for any one person so
39 injured or killed, of \$300,000, exclusive of interest and costs, on
40 account of injury to or death of, more than one person, in any one
41 incident; and

42 (3) an amount or limit of \$25,000, exclusive of interest and costs,
43 for damage to property in any one incident.

44 b. Proof of insurance as required in subsection a. of this section
45 shall be produced and displayed by the person carrying a handgun in
46 public upon request to any law enforcement officer or to any person
47 who has suffered or makes a good faith claim to have suffered either

1 injury or property damage arising out of the ownership, maintenance,
2 operation or use of a firearm carried in public.

3 c. A violation of this section shall be a crime of the fourth degree
4 and shall constitute full and sufficient grounds for revocation of a
5 permit to carry a handgun issued pursuant to N.J.S.2C:58-4.

6
7 5. (New section) Safe carry requirements for authorized
8 holders of a permit to carry a handgun.

9 a. The holder of a permit to carry a handgun issued pursuant to
10 N.J.S.2C:58-4 shall not:

11 (1) use or consume alcohol, a cannabis item, or a controlled
12 substance while carrying a handgun;

13 (2) be under the influence of alcohol, cannabis, or a controlled
14 substance while carrying a handgun;

15 (3) carry a handgun in public outside of a holster or carry a
16 handgun in public in a holster that does not meet the requirements
17 of subsection g. of N.J.S.2C:58-4;

18 (4) carry more than two firearms under the permittee's control at
19 one time; or

20 (5) engage in an unjustified display of a handgun.

21 (6) if carrying a handgun in public, refuse to provide the
22 handgun to a law enforcement officer upon request for purposes of
23 inspecting the handgun.

24 A violation of this subsection shall be a crime of the fourth
25 degree, and any such violation shall constitute full and sufficient
26 grounds for revocation of a permit to carry a handgun issued
27 pursuant to N.J.S.2C:58-4.

28 b. The holder of a permit to carry a handgun issued pursuant to
29 N.J.S.2C:58-4, if stopped or detained by a law enforcement officer
30 while carrying a handgun in public, shall:

31 (1) immediately disclose to the law enforcement officer that they
32 are carrying a handgun; and

33 (2) display the permit to carry a handgun and proof of firearm
34 public carry liability insurance required pursuant to section 4 of
35 P.L. , c. (C.)(pending before the Legislature as this bill) upon
36 the request of the officer.

37 A violation of paragraph (1) of this section shall be a crime of
38 the fourth degree. A person who violates paragraph (2) of this
39 subsection shall be guilty of a disorderly persons offense for a first
40 offense and subject to a \$100 fine and a crime of the fourth degree
41 for a second or subsequent offense.

42
43 6. (New section) Requirements and restrictions on the lawful
44 carrying of a handgun in public.

45 In addition to any criminal penalties under subsection b. of
46 N.J.S.2C:39-5, section 7 of P.L. , c. (C.)(pending before the
47 Legislature as this bill), or any other law, it shall be a crime of the
48 fourth degree for any person in a public place:

1 a. to carry a handgun concealed on or about their person, except
2 as permitted in accordance with N.J.S.2C:39-6, without possessing on
3 their person a valid and lawfully issued permit to carry under
4 N.J.S.2C:58-4 and proof of firearm public carry liability insurance
5 required pursuant to section 4 of P.L. , c. (C.)(pending before the
6 Legislature as this bill); or

7 b. to carry a handgun openly, whether or not in possession of a
8 valid and lawfully issued permit to carry under N.J.S.2C:58-4 and
9 proof of handgun public carry liability insurance required pursuant to
10 section 4 of P.L. , c. (C.)(pending before the Legislature as this bill).

11

12 7. (New section) Places where the carrying of a weapon is
13 prohibited.

14 a. Except as otherwise provided in this section, it shall be a crime
15 of the third degree for any person, other than a person lawfully
16 carrying a firearm within the authorized scope of an exemption set
17 forth in N.J.S.2C:39-6 and only to the extent permitted by the entity
18 responsible for security at the place in question, to knowingly carry a
19 weapon, as defined in subsection r. of N.J.S.2C:39-1, in any of the
20 following places, including in or upon any part of the buildings,
21 grounds, or parking area of:

22 (1) a place owned, leased, or under the control of State, county or
23 municipal government used for the purpose of government
24 administration, including but not limited to police stations;

25 (2) a courthouse, courtroom, or any other premises used to conduct
26 judicial or court administrative proceedings or functions;

27 (3) a State, county, or municipal correctional or juvenile justice
28 facility, jail and any other place maintained by or for a governmental
29 entity for the detention of criminal suspects or offenders;

30 (4) a State-contracted half-way house;

31 (5) a location being used as a polling place during the conduct of an
32 election;

33 (6) within 100 feet of a place where a public gathering,
34 demonstration or event is held for which a government permit is
35 required, during the conduct of such gathering, demonstration or
36 event;

37 (7) a school, college, university or other educational institution, and
38 on any school bus;

39 (8) a child care facility or day care center;

40 (9) a nursery school, pre-school, zoo, or summer camp;

41 (10) a park, beach, recreation facility or area or playground owned
42 or controlled by a State, county or local government unit, or any part
43 of such a place, which is designated as a gun free zone by the
44 governing authority based on considerations of public safety;

45 (11) at youth sports events, as defined in N.J.S.5:17-1, during and
46 immediately preceding and following the conduct of the event;

47 (12) a publicly owned or leased library or museum;

1 (13) a shelter for the homeless, emergency shelter for the homeless,
2 basic center shelter program, shelter for homeless or runaway youth,
3 children's shelter, child care shelter, shelter for victims of domestic
4 violence, or any shelter under the control of the Juvenile Justice
5 Commission or the Department of Children and Families;

6 (14) a community residence for persons with developmental
7 disabilities, head injuries, or terminal illnesses, or any other residential
8 setting licensed by the Department of Human Services or Department
9 of Health;

10 (15) a bar or restaurant where alcohol is served, and any other site
11 or facility where alcohol is sold for consumption on the premises;

12 (16) a site or facility where cannabis is sold for consumption on the
13 premises;

14 (17) a privately or publicly owned and operated entertainment
15 facility within this State, including but not limited to a theater,
16 stadium, museum, arena, racetrack or other place where performances,
17 concerts, exhibits, games or contests are held;

18 (18) a casino and related facilities, including but not limited to
19 appurtenant hotels, retail premises, restaurant and bar facilities, and
20 entertainment and recreational venues located within the casino
21 property;

22 (19) a plant or operation that produces, converts, distributes or
23 stores energy or converts one form of energy to another;

24 (20) an airport or public transportation hub;

25 (21) a health care facility, including but not limited to a general
26 hospital, special hospital, mental hospital, public health center,
27 diagnostic center, treatment center, rehabilitation center, extended care
28 facility, skilled nursing home, nursing home, intermediate care facility,
29 tuberculosis hospital, chronic disease hospital, maternity hospital,
30 outpatient clinic, dispensary, assisted living center, home health care
31 agency or residential health care facility;

32 (22) a facility licensed or regulated by the Department of Human
33 Services or Department of Health, other than a health care facility, that
34 provides addiction or mental health treatment or support services;

35 (23) a public location being used for making motion picture or
36 television images for theatrical, commercial or educational purposes,
37 during the time such location is being used for that purpose;

38 (24) private property, including but not limited to residential,
39 commercial, industrial, agricultural, institutional or undeveloped
40 property, unless the owner has provided express consent or has posted
41 a sign indicating that it is permissible to carry on the premises a
42 concealed handgun with a valid and lawfully issued license under
43 N.J.S.2C:58-4; and

44 (25) any other place in which the carrying of a handgun is
45 prohibited by statute or rule or regulation promulgated by a federal or
46 State agency or by municipal ordinance or regulation.

47 b. (1) A person, other than a person lawfully carrying a firearm
48 within the authorized scope of an exemption set forth in subsection a.

1 or c. of N.J.S.2C:39-6, who is otherwise authorized under the law to
2 carry or transport a firearm shall not do so while in a vehicle in New
3 Jersey, unless the handgun is unloaded and contained in a closed and
4 securely fastened case, gunbox, or locked unloaded in the trunk of the
5 vehicle.

6 (2) A holder of a valid and lawfully issued permit to carry a
7 handgun shall not leave a handgun outside of their immediate
8 possession or control within a parked vehicle, unless the handgun is
9 unloaded and contained in a closed and securely fastened case, or
10 gunbox, and is not visible from outside of the vehicle, or is locked
11 unloaded in the trunk or storage area of the vehicle.

12 A violation of paragraph (1) or (2) of this subsection is a crime of
13 the fourth degree.

14 c. Notwithstanding the provisions of subsections a. and b. of this
15 section, the holder of a valid and lawfully issued permit to carry under
16 N.J.S.2C:58-4 who is otherwise prohibited under this section from
17 carrying a concealed firearm into the parking area of a prohibited
18 location specified in subsection a. of this section shall be permitted to:

19 (1) transport a concealed handgun or ammunition within a vehicle
20 into or out of the parking area, provided that the handgun is unloaded
21 and contained in a closed and securely fastened case, gunbox, or
22 locked unloaded in the trunk or storage area of the vehicle;

23 (2) store a handgun or ammunition within a locked lock box and out
24 of plain view within the vehicle in the parking area;

25 (3) transport a concealed handgun in the immediate area
26 surrounding their vehicle within a prohibited parking lot area only for
27 the limited purpose of storing or retrieving the handgun within a
28 locked lock box in the vehicle's trunk or other place inside the vehicle
29 that is out of plain view; and

30 (4) transport a concealed handgun from a vehicle parked within a
31 prohibited parking lot area to a place other than a prohibited place
32 enumerated in subsection a. of this section, provided that the person
33 immediately leaves the parking lot area and does not enter into or on
34 the grounds of the prohibited place with the handgun.

35 d. The holder of a valid and lawfully issued permit to carry under
36 N.J.S.2C:58-4 shall not be in violation of subsection a. of this section
37 while the holder is traveling along a public right-of-way that touches
38 or crosses any of the places enumerated in subsection a. of this section
39 if the concealed handgun is carried on their person in accordance with
40 the provisions of this act or is being transported in a vehicle by the
41 permit holder in accordance with all other applicable provisions of
42 law.

43 e. (1) Nothing in this act shall be construed to prohibit the holder
44 of a valid and lawfully issued permit under N.J.S.2C:58-4 who is
45 lawfully authorized to provide security at a place enumerated in
46 subsection a. of this section from carrying a firearm, openly or
47 concealed, provided that the authorization is set forth in writing, and

1 only to the extent permitted by the entity responsible for security at the
2 place in question.

3 (2) Unless otherwise required or prohibited by law, the owner or
4 entity in control of any place enumerated in subsection a. of this
5 section or owner or entity responsible for providing security may allow
6 or prohibit retired law enforcement officers who are authorized to
7 possess and carry a handgun pursuant to subsection l. of N.J.S.2C:39-6
8 or qualified retired law enforcement officers within the meaning of
9 the federal "Law Enforcement Officers Safety Act of 2004," Pub.L.
10 108-277 to carry a concealed handgun on the premises of such place.

11 f. Nothing in this section shall prohibit the carrying of a firearm
12 where it is otherwise expressly authorized by law.

13
14 8. (New section) A person purchasing a firearm or firearm
15 ammunition shall be required to disclose in a written document under
16 penalty, on a form prescribed by the superintendent, whether the
17 firearm or ammunition to be purchased is intended to be transferred to
18 a third party, and the name and address of that third party, if known.

19
20 9. (New section) Notwithstanding any provision of the
21 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)
22 to the contrary, the Superintendent of State Police may adopt
23 immediately upon filing with the Office of Administrative Law such
24 regulations as the Superintendent deems necessary to implement the
25 provisions of this act, which shall be effective for a period not to
26 exceed 18 months, and may thereafter be amended, adopted, or
27 readopted by the Superintendent in accordance with the requirements
28 of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
29 et seq.).

30
31 10. Sections 2 and 7 of this act shall take effect immediately,
32 section 8 of this act shall take effect on the first day of second month
33 next following the date of enactment, and the remainder of this act
34 shall take effect on the first day of the seventh month next following
35 the date of enactment, but the Attorney General, Superintendent of
36 State Police, and Commissioner of Banking and Insurance may take
37 such anticipatory action as is necessary for the implementation of
38 this act.

39
40

41 STATEMENT

42

43 This bill removes from current law the justifiable need standard,
44 which is necessary to hold a permit to carry a handgun in this State,
45 in accordance with a recent decision of the United States Supreme
46 Court in New York State Rifle & Pistol Association v Bruen. In
47 addition, the bill establishes certain criteria for obtaining a permit to
48 carry a handgun and codifies certain venues at which the right to

1 carry firearms would be restricted due to security and safety
2 concerns.

3 Under current law, in order to lawfully carry a handgun in
4 public, it is necessary for a private citizen to obtain a permit to
5 carry a handgun. Applicants for a permit to carry a handgun need
6 the approval of the chief of police in the municipality where they
7 reside and the approval of a Superior Court judge in the county
8 where they reside. Approval is contingent upon a person submitting,
9 along with the application, a written certification establishing
10 justifiable need. Justifiable need is defined as the urgent necessity
11 for self-protection, as evidenced by specific threats or previous
12 attacks which demonstrate a special danger to the applicant's life
13 that cannot be avoided by means other than by issuance of a permit
14 to carry a handgun. This bill eliminates the justifiable need
15 standard.

16 The bill also expands the disqualifying criteria that would
17 prohibit a person from obtaining a firearm purchaser identification
18 card (FPIC), permit to purchase a handgun (PPH), or permit to carry
19 a handgun. Under current law, a person who receives these
20 documents is required to be of "good character" and "good repute" in
21 the community and not subject to any of the disqualifying criteria
22 listed in subsection c. of N.J.S.2C:58-3. The bill expands the list of
23 disqualifying criteria to include:

- 24 • persons presently confined for a mental disorder as a voluntary
25 admission or involuntary commitment for inpatient or
26 outpatient treatment;
- 27 • persons who have violated a temporary or final restraining
28 order issued pursuant to the "Prevention of Domestic
29 Violence Act of 1991" or a temporary or final domestic
30 violence restraining order issued in another jurisdiction
31 prohibiting the person from possessing any firearm;
- 32 • persons who are subject to or have violated a temporary or
33 final restraining order issued pursuant to the "Sexual Assault
34 Survivor Protection Act of 2015";
- 35 • persons who have previously been voluntarily admitted or
36 involuntarily committed to inpatient or outpatient mental health
37 treatment, unless the court has expunged the person's record;
- 38 • persons who are subject to an outstanding arrest warrant for an
39 indictable crime in this State or for a felony in any other state
40 or federal jurisdiction. This provision would not include
41 individuals seeking reproductive health care services in this
42 State;
- 43 • persons who are a fugitive from justice due to having fled from
44 any state or federal jurisdiction to avoid prosecution for a crime
45 or to avoid giving testimony in any criminal proceeding. This
46 provision would not include individuals seeking reproductive
47 health care services in this State; and

- 1 • persons who are convicted of a fourth degree crime for
2 violating the handgun carry requirements established under the
3 bill.

4 The bill also makes several changes to the procedure for applying
5 for an FPIC or PPH. Under the bill, an applicant would be required to
6 provide any aliases or other names previously used by the applicant.
7 A PPH applicant also would be required to indicate, with respect to
8 each handgun listed on the form, whether the applicant is purchasing
9 the handgun on the applicant's own behalf or on behalf of a third
10 party. In addition, the bill increases the fee to obtain an FPIC from
11 two dollars to \$25. The fee for the PPH would be increased from
12 five dollars to \$50.

13 In addition, this bill renders a recent enactment (P.L.2022, c.58),
14 which requires FPICs to display a picture and thumb print,
15 inoperative until the Superintendent of State Police establishes a
16 system for issuing these cards. The bill also clarifies that the FPIC
17 would be electronically linked to the fingerprints of the card holder,
18 rather than displaying a thumb print.

19 The bill also codifies the electronic method for reporting
20 handgun sales. Under current law, the PPH is issued as a
21 quadruplicate document. A firearm retailer is required to complete
22 all four of the documents prior to selling a handgun and send the
23 first copy to Superintendent of State Police and the second copy to
24 the chief of police of the municipality in which the purchaser
25 resides. The third copy is retained by the retail dealer and may be
26 subject to inspection by law enforcement at any reasonable time.
27 The purchaser retains the fourth copy as a permanent record. This
28 bill codifies the current procedure established by the State Police,
29 which established a web portal for electronically reporting handgun
30 sales. The bill also requires that handgun transfers between or
31 among immediate family members, law enforcement officers, or
32 collectors of firearms or ammunition as curios or relics are to be
33 conducted via the web portal.

34 In addition, the bill revises the application process for obtaining
35 a permit to carry a handgun. Under current law, a person applying
36 for a permit to carry a handgun is required to provide endorsements
37 from three people who have known the applicant for at least three
38 years and can attest that he or she is of good moral character and
39 behavior. The bill requires an applicant to provide endorsements
40 from five people who are unrelated to the applicant. The persons
41 providing the endorsement are to provide relevant information,
42 including the nature and extent of their relationship with the
43 applicant and information concerning their knowledge of the
44 applicant's use of drugs or alcohol. The bill also requires the chief
45 of police or superintendent, as appropriate, to interview the
46 applicant and persons providing the endorsement. The interviewer
47 is to inquire whether the applicant is likely to engage in conduct
48 that would result in harm to the applicant or others. Additionally,

1 the interviewer is to inquire whether the applicant has any history of
2 threats or acts of violence by the applicant directed toward self or
3 others or any history of use, attempted use, or threatened use of
4 physical force by the applicant against another person, or other
5 incidents implicating the criteria that would disqualify a person
6 from obtaining a FPIC or PPH. The chief of police or the
7 superintendent also may require information from the applicant or
8 any other person pertaining to publicly available statements posted
9 or published online by the applicant. The bill also extends the time
10 frame which the superintendent or chief of police is required to
11 approve or deny an application for a permit to carry a handgun
12 application from 60 to 90 days.

13 The bill also requires the Superintendent of State Police to
14 establish a training requirement in the lawful and safe handling and
15 storage of firearms for persons who obtain a permit to carry a
16 handgun. The training requirement is to consist of an online course
17 of instruction, in-person classroom instruction, and target training.
18 The training is to include, but not be limited to, demonstration of a
19 level of proficiency in the use of a handgun in such manner as
20 required by the superintendent and training on justification in the
21 use of deadly force under State law. The bill requires the training to
22 include demonstration of a level of proficiency in the use of a
23 handgun in a manner as may be required by the superintendent and
24 training on justification in the use of deadly force under State law.
25 A person who obtained a permit to carry a handgun prior to the
26 bill's effective date would be required to complete the classroom
27 instruction and target training within 90 days of the bill's effective
28 date.

29 In addition, the application fee for the permit to carry a handgun
30 would be \$200. In the case of an application made to the chief
31 police officer of a municipality, \$150 of the fee is to be retained by
32 the municipality and the remaining \$50 is to be forwarded to the
33 superintendent. The fee amount retained by the municipality is to
34 be used to defray the costs of investigation, administration, and
35 processing of the permit to carry handgun applications. Application
36 fees made to the superintendent are to be deposited into the Victims
37 of Crime Compensation Office account. The bill also provides that
38 mayors and elected members of a municipal governing body are to
39 apply to the superintendent, rather than the chief law enforcement
40 officer, when applying for a permit to carry a handgun.

41 Under the bill, the permit would be issued to the applicant
42 electronically through email or through the web portal established
43 or designated for this purpose by the superintendent, or in such
44 form or manner as may be authorized by the superintendent. Prior
45 to issuing the permit, the chief of police or superintendent is
46 required to determine whether:

- 1 • the applicant is a person of good character who is not subject
2 to any of the disabilities prohibiting the person from
3 purchasing a firearm;
4 • has not been convicted of a crime of the fourth degree in
5 violation of the carry permit requirements established by the
6 bill;
7 • is thoroughly familiar with the safe handling and use of
8 handguns; and
9 • is in compliance with the firearm carry liability insurance
10 established by the bill.

11 The bill requires a private citizen who obtains a carry permit to
12 obtain public carry liability insurance. The bill requires the liability
13 insurance coverage to insure against loss resulting from liability
14 imposed by law for bodily injury, death, and property damage
15 sustained by any person arising out of the ownership, maintenance,
16 operation or use of a firearm carried in public. The bill requires the
17 coverage to be at least in:

- 18 • an amount or limit of \$100,000, exclusive of interest and
19 costs, on account of injury to, or death of, one person, in
20 any one incident;
21 • an amount or limit, subject to such limit for any one person
22 so injured or killed, of \$300,000, exclusive of interest and
23 costs, on account of injury to or death of, more than one
24 person, in any one incident; and
25 • an amount or limit of \$25,000, exclusive of interest and
26 costs, for damage to property in any one incident.

27 The holder of a permit to carry a handgun would be required to
28 produce and display proof of insurance upon request to any law
29 enforcement officer or to any person who has suffered or claims to
30 have suffered either injury or property damage arising out of the
31 ownership, maintenance, operation or use of a firearm carried in
32 public.

33 In addition, the bill requires persons who obtain a permit to carry a
34 handgun to adhere to certain requirements. Under the bill, a person
35 with a carry permit would be prohibited from:

- 36 • using or consuming alcohol, a cannabis item, or a controlled
37 substance while carrying a handgun;
38 • being under the influence of alcohol, cannabis, or a
39 controlled substance while carrying a handgun;
40 • carrying a handgun not authorized under the permit;
41 • carrying a handgun outside of a holster or in an unauthorized
42 holster;
43 • carrying more than two firearms under the permittee's
44 control at one time;
45 • engaging in an unjustified display of a handgun;

- 1 • if carrying a handgun in public, failing to display the permit
2 to carry a handgun and proof of firearm public carry liability
3 insurance upon request of a law enforcement officer; or
4 • if carrying a handgun in public, refusing to provide the
5 handgun to a law enforcement officer upon request for
6 purposes of inspecting the handgun.

7 A person who violates these requirements would be guilty of a
8 crime of the fourth degree. A violation also may serve as sufficient
9 grounds for revocation of a permit to carry a handgun.

10 The bill provides that when stopped by a law enforcement officer a
11 permit holder would be required to immediately disclose to the officer
12 that the permit holder is carrying a handgun in public and display
13 proof of liability insurance. A person who fails to disclose to a law
14 enforcement officer that they are carry a handgun would be guilty of a
15 fourth degree crime. A person who fails to display proof of firearm
16 public carry liability insurance would be guilty of a disorderly persons
17 offense and subject to a \$100 fine and guilty of a crime of the fourth
18 degree for a second or subsequent offense.

19 The bill also delineates places in which a permit holder would be
20 prohibited from carrying a handgun. Under the bill, it would be a third
21 degree crime to carry any firearm or weapon in the following
22 locations:

- 23 • a place owned, leased, or under the control of State, county, or
24 municipal government used for the purpose of government
25 administration, including but not limited to police stations;
26 • a courthouse, courtroom, or any other premises used to conduct
27 judicial or court administrative proceedings or functions;
28 • a State, county, or municipal correctional or juvenile justice
29 facility, jail and any other place maintained by or for a
30 governmental entity for the detention of criminal suspects or
31 offenders;
32 • a State-contracted half-way house;
33 • a location being used as a polling place during the conduct of
34 an election;
35 • a place where a public gathering, demonstration, or event is
36 held for which a government permit is required, during the
37 conduct of such gathering, demonstration, or event;
38 • a school, college, university, or other educational institution
39 and on any school bus;
40 • a child care facility or day care center;
41 • a nursery school, pre-school, zoo, or summer camp;
42 • a park, beach, recreation facility, or area or playground owned
43 or controlled by a State, county or local government unit;
44 • at youth sports events during and immediately preceding and
45 following the conduct of the event;
46 • a publicly owned or leased library or museum;

- 1 • a shelter for the homeless, emergency shelter for the homeless,
2 basic center shelter program, shelter for homeless or runaway
3 youth, children’s shelter, child care shelter, shelter for victims
4 of domestic violence, or any shelter under the control of the
5 Juvenile Justice Commission or the Department of Children
6 and Families;
- 7 • a community residence for persons with developmental
8 disabilities, head injuries, or terminal illnesses, or any other
9 residential setting licensed by the Department of Human
10 Services or Department of Health;
- 11 • a bar or restaurant where alcohol is served, and any other site
12 or facility where alcohol is sold for consumption on the
13 premises;
- 14 • a site or facility where cannabis is sold for consumption on the
15 premises;
- 16 • a privately or publicly owned and operated entertainment
17 facility within this State, including but not limited to a theater,
18 stadium, museum, arena, racetrack, or other place where
19 performances, concerts, exhibits, games, or contests are held;
- 20 • a casino and related facilities, including but not limited to
21 appurtenant hotels, retail premises, restaurant, and bar
22 facilities, and entertainment and recreational venues located
23 within the casino property;
- 24 • a plant or operation that produces, converts, distributes, or
25 stores energy or converts one form of energy to another;
- 26 • an airport or public transportation hub;
- 27 • a health care facility and any facility licensed or regulated by
28 the Department of Human Services or Department of Health,
29 other than a health care facility, that provides addiction or
30 mental health treatment or support services;
- 31 • a public location being used for making motion picture or
32 television images for theatrical, commercial or educational
33 purposes, during the time such location is being used for that
34 purpose;
- 35 • private property, including but not limited to residential,
36 commercial, industrial, agricultural, institutional, or
37 undeveloped property, unless the owner has provided express
38 consent or has posted a sign indicating that it is permissible to
39 carry on the premises a concealed handgun with a valid and
40 lawfully issued permit to carry; and
- 41 • any other place in which the carrying of a handgun is
42 prohibited by statute or rule or regulation promulgated by a
43 federal or State agency or by municipal ordinance or
44 regulation.

45 The bill also requires the holder of a permit to carry a handgun to
46 adhere to certain requirements while transporting the handgun in a
47 vehicle.

1 Finally, the bill requires a person purchasing a firearm or firearm
2 ammunition to disclose in a written document under penalty of perjury
3 whether the firearm or ammunition to be purchased is intended to be
4 transferred to a third party, and the name and address of the third
5 party, if known.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4769

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 17, 2022

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 4769.

As amended and reported by the committee, Assembly Bill No. 4769 removes from current law the justifiable need standard, which is necessary to hold a permit to carry a handgun in this State, in accordance with a recent decision of the United States Supreme Court in New York State Rifle & Pistol Association v Bruen. In addition, the bill establishes certain criteria for obtaining a permit to carry a handgun and codifies certain venues at which the right to carry firearms would be restricted due to security and safety concerns.

Under current law, in order to lawfully carry a handgun in public, it is necessary for a private citizen to obtain a permit to carry a handgun. Applicants for a permit to carry a handgun need the approval of the chief of police in the municipality where they reside and the approval of a Superior Court judge in the county where they reside. Approval is contingent upon a person submitting, along with the application, a written certification establishing justifiable need. Justifiable need is defined as the urgent necessity for self-protection, as evidenced by specific threats or previous attacks which demonstrate a special danger to the applicant's life that cannot be avoided by means other than by issuance of a permit to carry a handgun. This bill eliminates the justifiable need standard.

The bill also expands the disqualifying criteria that would prohibit a person from obtaining a firearm purchaser identification card (FPIC), permit to purchase a handgun (PPH), or permit to carry a handgun. Under current law, a person who receives these documents is required to be of "good character" and "good repute" in the community and not subject to any of the disqualifying criteria listed in subsection c. of N.J.S.2C:58-3. This bill removes the "good character" and "good repute" criteria and revises the standard to require the issuance of a FPIC or PPH, unless the applicant is known in the community in which the person lives as someone who has engaged in acts or made statements suggesting the person is likely to engage in conduct, other than justified self-defense, that would pose a danger to self or others, or is subject to any of the disabilities set forth in current law. The bill expands the list of disqualifying criteria to include:

- persons presently confined for a mental disorder as a voluntary admission or involuntary commitment for inpatient or outpatient treatment;
- persons who have violated a temporary or final restraining order issued pursuant to the “Prevention of Domestic Violence Act of 1991” or a temporary or final domestic violence restraining order issued in another jurisdiction prohibiting the person from possessing any firearm;
- persons who are subject to or have violated a temporary or final restraining order issued pursuant to the “Sexual Assault Survivor Protection Act of 2015”;
- persons who have previously been voluntarily admitted or involuntarily committed to inpatient or outpatient mental health treatment, unless the court has expunged the person’s record;
- persons who are subject to an outstanding arrest warrant for an indictable crime in this State or for a felony in any other state or federal jurisdiction. This provision would not include individuals seeking reproductive health care services in this State;
- persons who are a fugitive from justice due to having fled from any state or federal jurisdiction to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding. This provision would not include individuals seeking reproductive health care services in this State; and
- persons who are convicted of a fourth degree crime for violating the handgun carry requirements established under the bill.

The bill also makes several changes to the procedure for applying for an FPIC or PPH. Under the bill, an applicant would be required to provide any aliases or other names previously used by the applicant. A PPH applicant also would be required to indicate, with respect to each handgun listed on the form, whether the applicant is purchasing the handgun on the applicant’s own behalf or on behalf of a third party. In addition, the bill increases the fee to obtain an FPIC from two dollars to \$25. The fee for the PPH would be increased from five dollars to \$50.

In addition, this bill renders a recent enactment (P.L.2022, c.58), which requires FPICs to display a picture and thumb print, inoperative until the Superintendent of State Police establishes a system for issuing these cards. The bill also clarifies that the FPIC would be electronically linked to the fingerprints of the card holder, rather than displaying a thumb print.

The bill also codifies the electronic method for reporting handgun sales. Under current law, the PPH is issued as a quadruplicate document. A firearm retailer is required to complete all four of the documents prior to selling a handgun and send the first copy to Superintendent of State Police and the second copy to the chief of

police of the municipality in which the purchaser resides. The third copy is retained by the retail dealer and may be subject to inspection by law enforcement at any reasonable time. The purchaser retains the fourth copy as a permanent record. This bill codifies the current procedure established by the State Police, which established a web portal for electronically reporting handgun sales. The bill also requires that handgun transfers between or among immediate family members, law enforcement officers, or collectors of firearms or ammunition as curios or relics are to be conducted via the web portal.

In addition, the bill revises the application process for obtaining a permit to carry a handgun. Under current law, a person applying for a permit to carry a handgun is required to provide endorsements from three people who have known the applicant for at least three years and can attest that he or she is of good moral character and behavior. The bill requires an applicant to provide endorsements from five people who are unrelated to the applicant. The persons providing the endorsement are to provide relevant information, including the nature and extent of their relationship with the applicant and information concerning their knowledge of the applicant's use of drugs or alcohol. The bill also requires the chief of police or superintendent, as appropriate, to interview the applicant and persons providing the endorsement. The interviewer is to inquire whether the applicant is likely to engage in conduct that would result in harm to the applicant or others. Additionally, the interviewer is to inquire whether the applicant has any history of threats or acts of violence by the applicant directed toward self or others or any history of use, attempted use, or threatened use of physical force by the applicant against another person, or other incidents implicating the criteria that would disqualify a person from obtaining a FPIC or PPH. The chief of police or the superintendent also may require information from the applicant or any other person pertaining to publicly available statements posted or published online by the applicant. The bill also extends the time frame which the superintendent or chief of police is required to approve or deny an application for a permit to carry a handgun application from 60 to 90 days.

The bill also requires the Superintendent of State Police to establish a training requirement in the lawful and safe handling and storage of firearms for persons who obtain a permit to carry a handgun. The training requirement is to consist of an online course of instruction, in-person classroom instruction, and target training. The training is to include, but not be limited to, demonstration of a level of proficiency in the use of a handgun in such manner as required by the superintendent and training on justification in the use of deadly force under State law. The bill requires the training to include demonstration of a level of proficiency in the use of a handgun in a manner as may be required by the superintendent and training on justification in the use of deadly force under State law. A person who obtained a permit to

carry a handgun prior to the bill's effective date would be required to complete the classroom instruction and target training within 90 days of the bill's effective date.

In addition, the application fee for the permit to carry a handgun would be \$200. In the case of an application made to the chief police officer of a municipality, \$150 of the fee is to be retained by the municipality and the remaining \$50 is to be forwarded to the superintendent. The fee amount retained by the municipality is to be used to defray the costs of investigation, administration, and processing of the permit to carry handgun applications. Application fees made to the superintendent are to be deposited into the Victims of Crime Compensation Office account. The bill also provides that mayors and elected members of a municipal governing body are to apply to the superintendent, rather than the chief law enforcement officer, when applying for a permit to carry a handgun.

Under the bill, the permit would be issued to the applicant electronically through email or through the web portal established or designated for this purpose by the superintendent, or in such form or manner as may be authorized by the superintendent. Prior to issuing the permit, the chief of police or superintendent is required to determine whether:

- the applicant is a person of good character who is not subject to any of the disabilities prohibiting the person from purchasing a firearm;
- has not been convicted of a crime of the fourth degree in violation of the carry permit requirements established by the bill;
- is thoroughly familiar with the safe handling and use of handguns; and
- is in compliance with the firearm carry liability insurance established by the bill.

The bill requires a private citizen who obtains a carry permit to obtain public carry liability insurance. The bill requires the liability insurance coverage to insure against loss resulting from liability imposed by law for bodily injury, death, and property damage sustained by any person arising out of the ownership, maintenance, operation or use of a firearm carried in public. The bill requires the coverage to be at least in:

- an amount or limit of \$100,000, exclusive of interest and costs, on account of injury to, or death of, one person, in any one incident;
- an amount or limit, subject to such limit for any one person so injured or killed, of \$300,000, exclusive of interest and costs, on account of injury to or death of, more than one person, in any one incident; and
- an amount or limit of \$25,000, exclusive of interest and costs, for damage to property in any one incident.

The holder of a permit to carry a handgun would be required to produce and display proof of insurance upon request to any law enforcement officer or to any person who has suffered or claims to have suffered either injury or property damage arising out of the ownership, maintenance, operation or use of a firearm carried in public.

In addition, the bill requires persons who obtain a permit to carry a handgun to adhere to certain requirements. Under the bill, a person with a carry permit would be prohibited from:

- using or consuming alcohol, a cannabis item, or a controlled substance while carrying a handgun;
- being under the influence of alcohol, cannabis, or a controlled substance while carrying a handgun;
- carrying a handgun not authorized under the permit;
- carrying a handgun outside of a holster or in an unauthorized holster;
- carrying more than two firearms under the permittee's control at one time;
- engaging in an unjustified display of a handgun;
- if carrying a handgun in public, failing to display the permit to carry a handgun and proof of firearm public carry liability insurance upon request of a law enforcement officer; or
- if carrying a handgun in public, refusing to provide the handgun to a law enforcement officer upon request for purposes of inspecting the handgun.

A person who violates these requirements would be guilty of a crime of the fourth degree. A violation also may serve as sufficient grounds for revocation of a permit to carry a handgun.

The bill provides that when stopped by a law enforcement officer a permit holder would be required to immediately disclose to the officer that the permit holder is carrying a handgun in public and display proof of liability insurance. A person who fails to disclose to a law enforcement officer that they are carrying a handgun would be guilty of a fourth degree crime. A person who fails to display proof of firearm public carry liability insurance would be guilty of a disorderly persons offense and subject to a \$100 fine and guilty of a crime of the fourth degree for a second or subsequent offense.

The bill also delineates places in which a permit holder would be prohibited from carrying a handgun. Under the bill, it would be a third degree crime to carry any firearm or weapon in the following locations:

- a place owned, leased, or under the control of State, county, or municipal government used for the purpose of government administration, including but not limited to police stations;
- a courthouse, courtroom, or any other premises used to conduct judicial or court administrative proceedings or functions;

- a State, county, or municipal correctional or juvenile justice facility, jail and any other place maintained by or for a governmental entity for the detention of criminal suspects or offenders;
- a State-contracted half-way house;
- a location being used as a polling place during the conduct of an election;
- a place where a public gathering, demonstration, or event is held for which a government permit is required, during the conduct of such gathering, demonstration, or event;
- a school, college, university, or other educational institution and on any school bus;
- a child care facility or day care center;
- a nursery school, pre-school, zoo, or summer camp;
- a park, beach, recreation facility, or area or playground owned or controlled by a State, county or local government unit;
- at youth sports events during and immediately preceding and following the conduct of the event;
- a publicly owned or leased library or museum;
- a shelter for the homeless, emergency shelter for the homeless, basic center shelter program, shelter for homeless or runaway youth, children's shelter, child care shelter, shelter for victims of domestic violence, or any shelter under the control of the Juvenile Justice Commission or the Department of Children and Families;
- a community residence for persons with developmental disabilities, head injuries, or terminal illnesses, or any other residential setting licensed by the Department of Human Services or Department of Health;
- a bar or restaurant where alcohol is served, and any other site or facility where alcohol is sold for consumption on the premises;
- a site or facility where cannabis is sold for consumption on the premises;
- a privately or publicly owned and operated entertainment facility within this State, including but not limited to a theater, stadium, museum, arena, racetrack, or other place where performances, concerts, exhibits, games, or contests are held;
- a casino and related facilities, including but not limited to appurtenant hotels, retail premises, restaurant, and bar facilities, and entertainment and recreational venues located within the casino property;
- a plant or operation that produces, converts, distributes, or stores energy or converts one form of energy to another;
- an airport or public transportation hub;

- a health care facility and any facility licensed or regulated by the Department of Human Services or Department of Health, other than a health care facility, that provides addiction or mental health treatment or support services;
- a public location being used for making motion picture or television images for theatrical, commercial or educational purposes, during the time such location is being used for that purpose;
- private property, including but not limited to residential, commercial, industrial, agricultural, institutional, or undeveloped property, unless the owner has provided express consent or has posted a sign indicating that it is permissible to carry on the premises a concealed handgun with a valid and lawfully issued permit to carry; and
- any other place in which the carrying of a handgun is prohibited by statute or rule or regulation promulgated by a federal or State agency or by municipal ordinance or regulation.

The bill also requires the holder of a permit to carry a handgun to adhere to certain requirements while transporting the handgun in a vehicle.

Finally, the bill requires a person purchasing a firearm or firearm ammunition to disclose in a written document under penalty of perjury whether the firearm or ammunition to be purchased is intended to be transferred to a third party, and the name and address of the third party, if known.

COMMITTEE AMENDMENTS

The committee amendments:

- 1) increase the maximum fee that a firearm retailer or dealer may charge for conducting long gun sales transactions from \$25 to \$70;
- 2) removes from section four a reference to the Commissioner of Banking and Insurance to clarify the availability of the firearm permit carry insurance coverage in the bill; and
- 3) make technical corrections.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 4769

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 20, 2022

The Assembly Appropriations Committee reports favorably Assembly Bill No. 4769 (1R), with committee amendments.

As amended, this bill removes from current law the justifiable need standard, which is the standard an individual is required to meet to hold a permit to carry a handgun in this State, in accordance with a recent decision of the United States Supreme Court in New York State Rifle & Pistol Association v. Bruen. In addition, the bill establishes certain criteria for obtaining a permit to carry a handgun and codifies certain venues at which the right to carry firearms would be restricted due to security and safety concerns.

Under current law, in order to lawfully carry a handgun in public, it is necessary for a private citizen to obtain a permit to carry a handgun. Applicants for a permit to carry a handgun need the approval of the chief of police in the municipality where they reside and the approval of a Superior Court judge in the county where they reside. Approval is contingent upon a person submitting, along with the application, a written certification establishing justifiable need. Justifiable need is defined as the urgent necessity for self-protection, as evidenced by specific threats or previous attacks which demonstrate a special danger to the applicant's life that cannot be avoided by means other than by issuance of a permit to carry a handgun. This bill eliminates the justifiable need standard.

The bill also expands the disqualifying criteria that would prohibit a person from obtaining a firearms purchaser identification card (FPIC), permit to purchase a handgun (PPH), or permit to carry a handgun. Under current law, a person who receives these documents is required to be of "good character" and "good repute" in the community and not subject to any of the disqualifying criteria listed in subsection c. of N.J.S.2C:58-3. This bill removes the "good character" and "good repute" criteria and revises the standard to require the issuance of an FPIC or PPH, unless the applicant is known in the community in which the person lives as someone who has engaged in acts or made statements suggesting the person is likely to engage in conduct, other than justified self-defense, that would pose a danger to self or others, or is

subject to any of the disabilities set forth in current law. The bill expands the list of disqualifying criteria to include:

- persons presently confined for a mental disorder as a voluntary admission or involuntary commitment for inpatient or outpatient treatment;
- persons who have violated a temporary or final restraining order issued pursuant to the “Prevention of Domestic Violence Act of 1991” or a temporary or final domestic violence restraining order issued in another jurisdiction prohibiting the person from possessing any firearm;
- persons who are subject to or have violated a temporary or final restraining order issued pursuant to the “Sexual Assault Survivor Protection Act of 2015”;
- persons who have previously been voluntarily admitted or involuntarily committed to inpatient or outpatient mental health treatment, unless the court has expunged the person’s record;
- persons who are subject to an outstanding arrest warrant for an indictable crime in this State or for a felony in any other state or federal jurisdiction. This provision would not include individuals seeking reproductive health care services in this State;
- persons who are a fugitive from justice due to having fled from any state or federal jurisdiction to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding. This provision would not include individuals seeking reproductive health care services in this State; and
- persons who are convicted of a fourth degree crime for violating the handgun carry requirements established under the bill.

The bill also makes several changes to the procedure for applying for an FPIC or PPH. Under the bill, an applicant would be required to provide any aliases or other names previously used by the applicant. A PPH applicant also would be required to certify with respect to each handgun listed on the form, whether the applicant is purchasing the handgun on the applicant’s own behalf or, if not, on behalf of a third party. In addition, the bill increases the fee to obtain an FPIC from two dollars to \$25. The fee for the PPH would be increased from five dollars to \$50.

In addition, this bill renders a recent enactment (P.L.2022, c.58), which requires FPICs to display a picture and thumb print, inoperative until the Superintendent of State Police establishes a system for issuing these cards. The bill also clarifies that the FPIC would be electronically linked to the fingerprints of the card holder, rather than displaying a thumb print.

The bill also codifies the electronic method for reporting handgun sales. Under current law, the PPH is issued as a quadruplicate document. A firearm retailer is required to complete all four of the

documents prior to selling a handgun and send the first copy to the Superintendent of State Police and the second copy to the chief of police of the municipality in which the purchaser resides. The third copy is retained by the retail dealer and may be subject to inspection by law enforcement at any reasonable time. The purchaser retains the fourth copy as a permanent record. This bill codifies the current procedure established by the State Police, which established a web portal for electronically reporting handgun sales. The bill also requires that handgun transfers between or among immediate family members, law enforcement officers, or collectors of firearms or ammunition as curios or relics are to be conducted via the web portal.

In addition, the bill revises the application process for obtaining a permit to carry a handgun. Under current law, a person applying for a permit to carry a handgun is required to provide endorsements from three people who have known the applicant for at least three years and can attest that he or she is of good moral character and behavior. The bill requires an applicant to provide endorsements from five people who are unrelated to the applicant. The persons providing the endorsement are to provide relevant information, including the nature and extent of their relationship with the applicant and information concerning their knowledge of the applicant's use of drugs or alcohol. The bill also requires the chief of police or superintendent, as appropriate, to interview the applicant and persons providing the endorsement. The interviewer is to inquire whether the applicant is likely to engage in conduct that would result in harm to the applicant or others. Additionally, the interviewer is to inquire whether the applicant has any history of threats or acts of violence by the applicant directed toward self or others or any history of use, attempted use, or threatened use of physical force by the applicant against another person, or other incidents implicating the criteria that would disqualify a person from obtaining an FPIC or PPH. The chief of police or the superintendent also may require information from the applicant or any other person pertaining to publicly available statements posted or published online by the applicant. The bill also extends from 60 to 90 days the time frame which the superintendent or chief of police is required to approve or deny an application for a permit to carry a handgun.

The bill also requires the Superintendent of State Police to establish a training requirement in the lawful and safe handling and storage of firearms for persons who obtain a permit to carry a handgun. The training requirement is to consist of an online course of instruction, in-person classroom instruction, and target training. The training is to include, but not be limited to, demonstration of a level of proficiency in the use of a handgun in such manner as required by the superintendent and training on justification in the use of deadly force under State law. The bill requires the training to include demonstration of a level of proficiency in the use of a handgun in a manner as may be

required by the superintendent and training on justification in the use of deadly force under State law. A person who obtained a permit to carry a handgun prior to the bill's effective date would be required to complete the classroom instruction and target training within 90 days of the bill's effective date.

In addition, the application fee for the permit to carry a handgun would be \$200. In the case of an application made to the chief police officer of a municipality, \$150 of the fee is to be retained by the municipality and the remaining \$50 is to be forwarded to the superintendent. The fee amount retained by the municipality is to be used to defray the costs of investigation, administration, and processing of the permit to carry handgun applications. Application fees made to the superintendent are to be deposited into the Victims of Crime Compensation Office account. The bill also provides that mayors and elected members of a municipal governing body are to apply to the superintendent, rather than the chief law enforcement officer, when applying for a permit to carry a handgun.

Under the bill, the permit would be issued to the applicant electronically through email or through the web portal established or designated for this purpose by the superintendent, or in such form or manner as may be authorized by the superintendent. Prior to issuing the permit, the chief of police or superintendent is required to determine whether:

- the applicant is a person of good character who is not subject to any of the disabilities prohibiting the person from purchasing a firearm;
- has not been convicted of a crime of the fourth degree in violation of the carry permit requirements established by the bill;
- is thoroughly familiar with the safe handling and use of handguns; and
- is in compliance with the liability insurance requirement established by the bill.

The bill requires a private citizen who obtains a carry permit to obtain liability insurance. Under the bill, applications for a permit to carry handguns are to include proof of liability insurance coverage and a certification that the applicant will maintain the insurance coverage for the duration of the permit. The bill requires the liability insurance coverage to insure against loss resulting from liability imposed by law for bodily injury, death, and property damage sustained by any person arising out of the ownership, maintenance, operation or use of a firearm carried in public. The bill requires the insurance coverage to be at least in:

- an amount or limit of \$100,000, exclusive of interest and costs, on account of injury to, or death of, one person, in any one incident;

- an amount or limit, subject to such limit for any one person so injured or killed, of \$300,000, exclusive of interest and costs, on account of injury to or death of, more than one person, in any one incident; and
- an amount or limit of \$25,000, exclusive of interest and costs, for damage to property in any one incident.

The holder of a permit to carry a handgun would be required to produce proof of liability insurance within a reasonable amount of time following any injury, death, or property damage alleged to have been caused by the person carrying the handgun in public.

In addition, the bill requires persons who obtain a permit to carry a handgun to adhere to certain requirements. Under the bill, a person with a carry permit would be prohibited from:

- using or consuming alcohol, a cannabis item, or a controlled substance while carrying a handgun;
- being under the influence of alcohol, cannabis, or a controlled substance while carrying a handgun;
- carrying a handgun not authorized under the permit;
- carrying a handgun outside of a holster or in an unauthorized holster;
- carrying more than two firearms under the permittee's control at one time;
- engaging in an unjustified display of a handgun; or
- if carrying a handgun in public, failing to display the permit to carry a handgun and proof of liability insurance upon request of a law enforcement officer.

A person who violates these requirements would be guilty of a crime of the fourth degree. A violation also may serve as sufficient grounds for revocation of a permit to carry a handgun.

The bill provides that a permit holder, when stopped by a law enforcement officer, would be required to immediately disclose to the officer that the permit holder is carrying a handgun in public and display proof of liability insurance. A person who fails to disclose to a law enforcement officer that the person is carrying a handgun would be guilty of a fourth degree crime. A person who fails to display a permit to carry a handgun would be guilty of a disorderly persons offense and subject to a \$100 fine and guilty of a crime of the fourth degree for a second or subsequent offense. In addition, a permit holder who is carrying a handgun in public and is detained by a law enforcement officer as part of a criminal investigation would be required to provide the handgun to the officer for the purposes of inspection. A person who fails to provide the handgun would be guilty of a crime of the fourth degree.

The bill also delineates places in which a person would be prohibited from carrying a handgun. Under the bill, it would be a third degree crime to carry any firearm or weapon in the following locations:

- a place owned, leased, or under the control of State, county, or municipal government used for the purpose of government administration, including but not limited to police stations;
- a courthouse, courtroom, or any other premises used to conduct judicial or court administrative proceedings or functions;
- a State, county, or municipal correctional or juvenile justice facility, jail and any other place maintained by or for a governmental entity for the detention of criminal suspects or offenders;
- a State-contracted half-way house;
- a location being used as a polling place during the conduct of an election;
- a place where a public gathering, demonstration, or event is held for which a government permit is required, during the conduct of such gathering, demonstration, or event;
- a school, college, university, or other educational institution and on any school bus;
- a child care facility, including a day care center;
- a nursery school, pre-school, zoo, or summer camp;
- a park, beach, recreation facility, or area or playground owned or controlled by a State, county or local government unit;
- at youth sports events during and immediately preceding and following the conduct of the event;
- a publicly owned or leased library or museum;
- a shelter for the homeless, emergency shelter for the homeless, basic center shelter program, shelter for homeless or runaway youth, children's shelter, child care shelter, shelter for victims of domestic violence, or any shelter licensed by or under the control of the Juvenile Justice Commission or the Department of Children and Families;
- a community residence for persons with developmental disabilities, head injuries, or terminal illnesses, or any other residential setting licensed by the Department of Human Services or Department of Health;
- a bar or restaurant where alcohol is served, and any other site or facility where alcohol is sold for consumption on the premises;
- a Class 5 Cannabis retailer or medical cannabis dispensary, including any consumption areas licensed or permitted by the Cannabis Regulatory Commission;
- a privately or publicly owned and operated entertainment facility within this State, including but not limited to a theater, stadium, museum, arena, racetrack, or other place where performances, concerts, exhibits, games, or contests are held;
- a casino and related facilities, including but not limited to appurtenant hotels, retail premises, restaurant, and bar

facilities, and entertainment and recreational venues located within the casino property;

- a plant or operation that produces, converts, distributes, or stores energy or converts one form of energy to another;
- an airport or public transportation hub;
- a health care facility and any facility licensed or regulated by the Department of Human Service, Department of Children and Families, or Department of Health, other than a health care facility, that provides addiction or mental health treatment or support services;
- within 100 feet of a public location being used for making motion picture or television images for theatrical, commercial or educational purposes, during the time such location is being used for that purpose;
- private property, including but not limited to residential, commercial, industrial, agricultural, institutional, or undeveloped property, unless the owner has provided express consent or has posted a sign indicating that it is permissible to carry on the premises a concealed handgun with a valid and lawfully issued permit to carry; and
- any other place in which the carrying of a handgun is prohibited by statute or rule or regulation promulgated by a federal or State agency or by municipal ordinance or regulation.

The limitation on places in which a person would be prohibited from carrying a handgun would not apply to active or retired law enforcement officers. However, retired law enforcement officer would be prohibited from carrying a handgun in nine of those locations unless the entity responsible for security at the location has affirmatively authorized the retired officer to carry a handgun. The nine locations include: government building; courthouses; correctional facilities; locations used as polling places; within 100 feet of a public gathering demonstration, or event is held for which a government permit is required; schools, universities, and school buses; childcare centers; healthcare facilities; and private property unless granted permission by the property owner.

The bill also requires the holder of a permit to carry a handgun to adhere to certain requirements while transporting the handgun in a vehicle.

COMMITTEE AMENDMENTS

The committee amended the bill to:

- (1) remove the requirement that a person with a permit to carry a handgun who is stopped by a law enforcement officer provide the handgun to the officer for the purpose of inspection; as amended, the bill requires a person who is detained as part of a criminal investigation to provide the handgun to a law enforcement officer;

(2) remove the requirement that the holder of a permit to carry a handgun display proof of liability insurance to a law enforcement officer; the amendments preserve the requirement that a permit holder maintain liability insurance;

(3) remove from the bill's provisions references to "firearm carry insurance";

(4) require applicants for a permit to carry handguns to include with the application proof of liability insurance in compliance with the bill and a certification that the applicant will maintain the insurance coverage for the duration of the permit;

(5) provide that active law enforcement officers may carry a handgun in the locations in which a person is prohibited from carrying a handgun; as introduced, this exemption applied to persons lawfully carrying a firearm within the authorized scope of an exemption set forth in N.J.S.2C:39-6;

(6) establish locations in which a retired law enforcement officer is prohibited from carrying a firearm unless the entity responsible for security at the location has affirmatively authorized the retired officer to carry a handgun;

(7) clarify that a person charged with a fourth degree crime under the bill would be ineligible to obtain an FPIC or PPH; and

(8) make clarifying and technical changes.

FISCAL IMPACT:

The Office of Legislative Services (OLS) anticipates that the State and municipalities will incur indeterminate additional annual operating expenses from the processing of an increased number of applications; establishing training programs; enforcing, prosecuting, and trying the offenses established by the bill; and incarcerating any offenders. In addition, the OLS estimates increased State and municipal revenue because of the fee increases for the permit to carry application, the firearm purchaser identification card, the permit to purchase a handgun, and increased fines and penalties.

The bill's establishment of new crimes of the third degree and fourth degree, and disorderly persons offenses, will increase the workload of the Division of Criminal Justice in the Department of Law and Public Safety, county prosecutor's offices, the Administrative Office of the Courts, and municipal courts as additional defendants will be prosecuted and tried for these crimes and offenses. Crimes of the third and fourth degree are adjudicated by the Superior Court. Disorderly persons offenses are adjudicated by municipal courts, in most circumstances. A presumption of non-incarceration applies to first-time offenders of crimes of the third and fourth degree, and disorderly persons offenses. Repeat offenders, however, could be incarcerated, with the Department of Corrections incurring the cost.

MINORITY STATEMENT

By Assemblymen Bergen, McClellan and Rooney

Since 1966, New Jersey has denied law-abiding New Jerseyans their constitutional right to carry handguns to protect themselves and their loved ones from violent crime. The contrived, arbitrary, and unlawful requirement made law-abiding citizens demonstrate to the satisfaction of a government official that they “need” to carry a handgun. For more than half a century, this requirement nearly always resulted in the denial of a permit to carry a handgun – the denial of a fundamental constitutional right.

This year, the United States Supreme Court decided *New York State Rifle & Pistol Association v. Bruen*, declaring once and for all that all Americans, including New Jerseyans, have a fundamental right to carry handguns for lawful self-defense. The Bruen decision swept away New Jersey’s scheme to deny this fundamental right.

However, this bill represents New Jersey’s lawless and outright defiance of the authority of the United States Supreme Court. Like the Southern states in the aftermath of *Brown v. Board of Education* when they fought tooth and nail with “massive resistance” to prevent African-American children from merely attending the same schools as white children, New Jersey now manifests its own “massive resistance” to the authority of the United States Constitution.

This bill systematically prevents New Jerseyans from exercising their fundamental right of public self-defense by labelling nearly every public place a person might go as off limits.

Train and bus stations are prohibited, denying the fundamental constitutional right of self-defense to everyone who commutes to work.

Parks, beaches, and recreational facilities are prohibited, denying the fundamental constitutional right of self-defense to everyone who spends leisure time with their families.

Health care facilities are prohibited, denying the fundamental constitutional right of self-defense to everyone who ever goes to a doctor.

Libraries, museums, and theaters are prohibited, denying the fundamental constitutional right of self-defense to everyone who seeks knowledge and culture.

Restaurants with a liquor license are prohibited, denying the fundamental constitutional right of self-defense to everyone who wants to go out with his family to eat chicken wings or burgers even if they do not drink alcohol.

Homeless shelters are prohibited, denying the fundamental constitutional right of self-defense merely because a person is homeless.

Shelters for victims of domestic violence are prohibited, denying the fundamental constitutional right of self-defense to those who most need to be able to protect themselves from violent attack.

Public gatherings are prohibited, forcing New Jerseyans to choose between their fundamental First Amendment rights and their fundamental Second Amendment right.

All automobiles are prohibited, inviting car-jacking and violent crime in parking lots throughout the state.

And as if all of these prohibitions were not enough, all private property is presumptively prohibited, turning the constitutionally mandated presumption in favor of the fundamental right to bear arms into a presumption against the fundamental right to bear arms – exactly the same place New Jersey was in the more than 50 years before Bruen was decided.

It also creates traps for the innocent that threaten to turn otherwise respectable, law-abiding citizens into criminals. If a law-abiding permit holder happens upon one of the numerous places banned, they will be susceptible to prosecution for a third-degree crime, punishable by 3-5 years in prison and a fine up to \$15,000. Penalties and laws that are hard to follow is another form of oppression, especially when allowing a patchwork of municipal ordinances creates an even greater quagmire of rules and regulations to ensnare otherwise law-abiding citizens who are unknowingly in violation.

Further, the bill disenfranchises the Second Amendment rights of low-income New Jerseyans. As inflation continues to make them poorer, permit application fees will increase to \$200 from \$2 and insurance, which will likely be very costly, is now mandated.

While we are supposed to help the people who can least help themselves, and who typically live in areas with the most crime, much of which include gun violence by illegal-gun owners, this bill aims to strip them of their ability to protect themselves and their families and friends. They too may turn to illicit gun ownership.

Ultimately, this bill seeks to erase the authority of the United States Supreme Court and the Constitution of the United States of America, and, as such, this bill is fundamentally lawless and disenfranchises the rights of New Jerseyans.

It is disappointing to see that the sponsor has taken a Benedict Arnold-esque turn from a defender of Americans' rights to join the side that aims to subdue them.

ASSEMBLY OVERSIGHT, REFORM AND FEDERAL
RELATIONS COMMITTEE

STATEMENT TO

[Second Reprint]
ASSEMBLY, No. 4769

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 24, 2022

The Assembly Oversight, Reform and Federal Relations Committee reports favorably and with committee amendments Assembly Bill No. 4769 (2R).

As amended by the committee, Assembly Bill No. 4769 removes from current law the justifiable need standard, which is the standard an individual is required to meet to hold a permit to carry a handgun in this State, in accordance with a recent decision of the United States Supreme Court in New York State Rifle & Pistol Association v. Bruen. In addition, the bill establishes certain criteria for obtaining a permit to carry a handgun and codifies certain venues at which the right to carry firearms would be restricted due to security and safety concerns.

Under current law, in order to lawfully carry a handgun in public, it is necessary for a private citizen to obtain a permit to carry a handgun. Applicants for a permit to carry a handgun need the approval of the chief of police in the municipality where they reside and the approval of a Superior Court judge in the county where they reside. Approval is contingent upon a person submitting, along with the application, a written certification establishing justifiable need. Justifiable need is defined as the urgent necessity for self-protection, as evidenced by specific threats or previous attacks which demonstrate a special danger to the applicant's life that cannot be avoided by means other than by issuance of a permit to carry a handgun. This bill eliminates the justifiable need standard.

The bill also expands the disqualifying criteria that would prohibit a person from obtaining a firearms purchaser identification card (FPIC), permit to purchase a handgun (PPH), or permit to carry a handgun. Under current law, a person who receives these documents is required to be of "good character" and "good repute" in the community and not subject to any of the disqualifying criteria listed in subsection c. of N.J.S.2C:58-3. This bill removes the "good character" and "good repute" criteria and revises the standard to require the issuance of an FPIC or PPH, unless the applicant is known in the community in which the

person lives as someone who has engaged in acts or made statements suggesting the person is likely to engage in conduct, other than justified self-defense, that would pose a danger to self or others, or is subject to any of the disabilities set forth in current law. The bill expands the list of disqualifying criteria to include:

- persons presently confined for a mental disorder as a voluntary admission or involuntary commitment for inpatient or outpatient treatment;
- persons who have violated a temporary or final restraining order issued pursuant to the “Prevention of Domestic Violence Act of 1991” or a temporary or final domestic violence restraining order issued in another jurisdiction prohibiting the person from possessing any firearm;
- persons who are subject to or have violated a temporary or final restraining order issued pursuant to the “Sexual Assault Survivor Protection Act of 2015”;
- persons who have previously been voluntarily admitted or involuntarily committed to inpatient or outpatient mental health treatment, unless the court has expunged the person’s record;
- persons who are subject to an outstanding arrest warrant for an indictable crime in this State or for a felony in any other state or federal jurisdiction. This provision would not include individuals seeking reproductive health care services in this State;
- persons who are a fugitive from justice due to having fled from any state or federal jurisdiction to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding. This provision would not include individuals seeking reproductive health care services in this State; and
- persons who are convicted of a fourth degree crime for violating the handgun carry requirements established under the bill.

The bill also makes several changes to the procedure for applying for an FPIC or PPH. Under the bill, an applicant would be required to provide any aliases or other names previously used by the applicant. A PPH applicant also would be required to certify with respect to each handgun listed on the form, whether the applicant is purchasing the handgun on the applicant’s own behalf or, if not, on behalf of a third party. In addition, the bill increases the fee to obtain an FPIC from two dollars to \$25. The fee for the PPH would be increased from five dollars to \$50.

In addition, this bill renders a recent enactment (P.L.2022, c.58), which requires FPICs to display a picture and thumb print, inoperative until the Superintendent of State Police establishes a system for issuing these cards. The bill also clarifies that the FPIC would be electronically linked to the fingerprints of the card holder, rather than displaying a thumb print.

The bill also codifies the electronic method for reporting handgun sales. Under current law, the PPH is issued as a quadruplicate document. A firearm retailer is required to complete all four of the documents prior to selling a handgun and send the first copy to the Superintendent of State Police and the second copy to the chief of police of the municipality in which the purchaser resides. The third copy is retained by the retail dealer and may be subject to inspection by law enforcement at any reasonable time. The purchaser retains the fourth copy as a permanent record. This bill codifies the current procedure established by the State Police, which established a web portal for electronically reporting handgun sales. The bill also requires that handgun transfers between or among immediate family members, law enforcement officers, or collectors of firearms or ammunition as curios or relics are to be conducted via the web portal.

In addition, the bill revises the application process for obtaining a permit to carry a handgun. Under current law, a person applying for a permit to carry a handgun is required to provide endorsements from three people who have known the applicant for at least three years and can attest that he or she is of good moral character and behavior. The bill requires an applicant to provide endorsements from five people who are unrelated to the applicant. The persons providing the endorsement are to provide relevant information, including the nature and extent of their relationship with the applicant and information concerning their knowledge of the applicant's use of drugs or alcohol. The bill also requires the chief of police or superintendent, as appropriate, to interview the applicant and persons providing the endorsement. The interviewer is to inquire whether the applicant is likely to engage in conduct that would result in harm to the applicant or others. Additionally, the interviewer is to inquire whether the applicant has any history of threats or acts of violence by the applicant directed toward self or others or any history of use, attempted use, or threatened use of physical force by the applicant against another person, or other incidents implicating the criteria that would disqualify a person from obtaining an FPIC or PPH. The chief of police or the superintendent also may require information from the applicant or any other person pertaining to publicly available statements posted or published online by the applicant. The bill also extends from 60 to 90 days the time frame which the superintendent or chief of police is required to approve or deny an application for a permit to carry a handgun.

The bill also requires the Superintendent of State Police to establish a training requirement in the lawful and safe handling and storage of firearms for persons who obtain a permit to carry a handgun. The training requirement is to consist of an online course of instruction, in-person classroom instruction, and target training. The training is to include, but not be limited to, demonstration of a level of proficiency in the use of a handgun in such manner as required by the

superintendent and training on justification in the use of deadly force under State law. The bill requires the training to include demonstration of a level of proficiency in the use of a handgun in a manner as may be required by the superintendent and training on justification in the use of deadly force under State law. A person who obtained a permit to carry a handgun prior to the bill's effective date would be required to complete the classroom instruction and target training within 90 days of the bill's effective date.

In addition, the application fee for the permit to carry a handgun would be \$200. In the case of an application made to the chief police officer of a municipality, \$150 of the fee is to be retained by the municipality and the remaining \$50 is to be forwarded to the superintendent. The fee amount retained by the municipality is to be used to defray the costs of investigation, administration, and processing of the permit to carry handgun applications. Application fees made to the superintendent are to be deposited into the Victims of Crime Compensation Office account. The bill also provides that mayors and elected members of a municipal governing body are to apply to the superintendent, rather than the chief law enforcement officer, when applying for a permit to carry a handgun. As amended, the bill allows the superintendent or chief law enforcement officer to solicit such other identification information as may be authorized by the superintendent to the conduct a comparable criminal history records check for applicant who have already undergone a criminal history records check in the course of obtaining a FPIC or PPH.

Under the bill, the permit would be issued to the applicant electronically through email or through the web portal established or designated for this purpose by the superintendent, or in such form or manner as may be authorized by the superintendent. Prior to issuing the permit, the chief of police or superintendent is required to determine whether:

- the applicant is a person of good character who is not subject to any of the disabilities prohibiting the person from purchasing a firearm;
- has not been convicted of a crime of the fourth degree in violation of the carry permit requirements established by the bill;
- is thoroughly familiar with the safe handling and use of handguns; and
- is in compliance with the liability insurance requirement established by the bill.

The bill requires a private citizen who obtains a carry permit to obtain liability insurance. Under the bill, applications for a permit to carry handguns are to include proof of liability insurance coverage and a certification that the applicant will maintain the insurance coverage for the duration of the permit. The bill requires the liability insurance coverage to insure against loss resulting from liability imposed by law

for bodily injury, death, and property damage sustained by any person arising out of the ownership, maintenance, operation or use of a firearm carried in public. The bill requires the insurance coverage to be at least in:

- an amount or limit of \$100,000, exclusive of interest and costs, on account of injury to, or death of, one person, in any one incident;
- an amount or limit, subject to such limit for any one person so injured or killed, of \$300,000, exclusive of interest and costs, on account of injury to or death of, more than one person, in any one incident; and
- an amount or limit of \$25,000, exclusive of interest and costs, for damage to property in any one incident.

The holder of a permit to carry a handgun would be required to produce proof of liability insurance within a reasonable amount of time following any injury, death, or property damage alleged to have been caused by the person carrying the handgun in public.

In addition, the bill requires persons who obtain a permit to carry a handgun to adhere to certain requirements. Under the bill, a person with a carry permit would be prohibited from:

- using or consuming alcohol, a cannabis item, or a controlled substance while carrying a handgun;
- being under the influence of alcohol, cannabis, or a controlled substance while carrying a handgun;
- carrying a handgun not authorized under the permit;
- carrying a handgun outside of a holster or in an unauthorized holster;
- carrying more than two firearms under the permittee's control at one time;
- engaging in an unjustified display of a handgun; or
- if carrying a handgun in public, failing to display the permit to carry a handgun and proof of liability insurance upon request of a law enforcement officer.

A person who violates these requirements would be guilty of a crime of the fourth degree. A violation also may serve as sufficient grounds for revocation of a permit to carry a handgun.

The bill provides that a permit holder, when stopped by a law enforcement officer while publicly carrying the handgun or transporting it in motor vehicle, would be required to immediately disclose to the officer that the permit holder is carrying or transporting a handgun and display the permit to carry a handgun. A person who fails to disclose to a law enforcement officer that the person is carrying a handgun would be guilty of a fourth degree crime. A person who fails to display a permit to carry a handgun would be guilty of a disorderly persons offense and subject to a \$100 fine and guilty of a crime of the fourth degree for a second or subsequent offense. In addition, a permit holder who is carrying a handgun in public and is

detained by a law enforcement officer as part of a criminal investigation would be required to provide the handgun to the officer for the purposes of inspection. A person who fails to provide the handgun would be guilty of a crime of the fourth degree.

The bill also delineates places in which a person would be prohibited from carrying a handgun. The amended bill clarifies that it would be a de minimis infraction for which a person would not be prosecuted if the entry onto one of the prohibited locations was a brief, incidental entry onto property. Under the bill, it would be a third degree crime to carry any firearm or weapon in the following locations:

- a place owned, leased, or under the control of State, county, or municipal government used for the purpose of government administration, including but not limited to police stations;
- a courthouse, courtroom, or any other premises used to conduct judicial or court administrative proceedings or functions;
- a State, county, or municipal correctional or juvenile justice facility, jail and any other place maintained by or for a governmental entity for the detention of criminal suspects or offenders;
- a State-contracted half-way house;
- a location being used as a polling place during the conduct of an election;
- a place where a public gathering, demonstration, or event is held for which a government permit is required, during the conduct of such gathering, demonstration, or event;
- a school, college, university, or other educational institution and on any school bus;
- a child care facility, including a day care center;
- a nursery school, pre-school, zoo, or summer camp;
- a park, beach, recreation facility, or area or playground owned or controlled by a State, county or local government unit;
- at youth sports events during and immediately preceding and following the conduct of the event;
- a publicly owned or leased library or museum;
- a shelter for the homeless, emergency shelter for the homeless, basic center shelter program, shelter for homeless or runaway youth, children's shelter, child care shelter, shelter for victims of domestic violence, or any shelter licensed by or under the control of the Juvenile Justice Commission or the Department of Children and Families;
- a community residence for persons with developmental disabilities, head injuries, or terminal illnesses, or any other residential setting licensed by the Department of Human Services or Department of Health;

- a bar or restaurant where alcohol is served, and any other site or facility where alcohol is sold for consumption on the premises;
- a Class 5 Cannabis retailer or medical cannabis dispensary, including any consumption areas licensed or permitted by the Cannabis Regulatory Commission;
- a privately or publicly owned and operated entertainment facility within this State, including but not limited to a theater, stadium, museum, arena, racetrack, or other place where performances, concerts, exhibits, games, or contests are held;
- a casino and related facilities, including but not limited to appurtenant hotels, retail premises, restaurant, and bar facilities, and entertainment and recreational venues located within the casino property;
- a plant or operation that produces, converts, distributes, or stores energy or converts one form of energy to another;
- an airport or public transportation hub;
- a health care facility and any facility licensed or regulated by the Department of Human Service, Department of Children and Families, or Department of Health, other than a health care facility, that provides addiction or mental health treatment or support services;
- within 100 feet of a public location being used for making motion picture or television images for theatrical, commercial or educational purposes, during the time such location is being used for that purpose;
- private property, including but not limited to residential, commercial, industrial, agricultural, institutional, or undeveloped property, unless the owner has provided express consent or has posted a sign indicating that it is permissible to carry on the premises a concealed handgun with a valid and lawfully issued permit to carry; and
- any other place in which the carrying of a handgun is prohibited by statute or rule or regulation promulgated by a federal or State agency or by municipal ordinance or regulation

As amended, the bill allows municipalities to prohibit carrying a weapon, by ordinance or regulation, in a place which is not enumerated in the bill's list of prohibited locations if there is a public safety nexus justifying the prohibition and the prohibition is consistent with the nation's historical tradition of firearm regulation.

The limitation on places in which a person would be prohibited from carrying a handgun would not apply to active or retired law enforcement officers. However, retired law enforcement officer would be prohibited from carrying a handgun in eight of those locations unless the entity responsible for security at the location has affirmatively authorized the retired officer to carry a handgun. The nine locations include: government buildings; courthouses;

correctional facilities; locations used as polling places; within 100 feet of a public gathering demonstration, or event is held for which a government permit is required; schools, universities, and school buses; childcare centers; healthcare facilities.

The bill also requires the holder of a permit to carry a handgun to adhere to certain requirements while transporting the handgun in a vehicle.

COMMITTEE AMENDMENTS

The committee amended the bill to:

1) clarify that a permit holder when stopped in a motor vehicle by a law enforcement officer is to inform the officer that the permit holder is traveling with a handgun and display the permit to carry a handgun;

2) allow the Superintendent of State Police or chief law enforcement officer to solicit such other identification information as may be authorized by the superintendent to conduct a comparable criminal history records check for applicant who have already undergone a criminal history records check in the course of obtaining a FPIC, PPH, or PCH;

3) clarify that it would be a de minimis infraction for which a person would not be prosecuted if the entry onto one of the prohibited locations was a brief, incidental entry onto property;

4) remove a provision of the bill prohibiting retired law enforcement officers from entering private property while carrying a handgun; and

5) allow municipalities to prohibit, by ordinance or regulation, a person from carrying a weapon in a prohibited location which is not enumerated in the bill's list of prohibited locations if there is a public safety nexus justifying the prohibition and the prohibition is consistent with the nation's historical tradition of firearm regulation; and

6) make technical corrections.

LEGISLATIVE FISCAL ESTIMATE

[Third Reprint]

ASSEMBLY, No. 4769

STATE OF NEW JERSEY 220th LEGISLATURE

DATED: OCTOBER 31, 2022

SUMMARY

- Synopsis:** Makes various revisions to requirements for obtaining firearm purchaser identification card, permit to purchase handgun, and permit to carry handgun; codifies sensitive places in which firearms and weapons are prohibited.
- Type of Impact:** Annual State and municipal expenditure increases.
Annual State and municipal revenues increases.
- Agencies Affected:** Department of Law and Public Safety; Department of Corrections; Victims of Crime Compensation Office; Administrative Office of the Courts; Superior Courts; Municipal Law Enforcement and Prosecutors.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Expenditure Increase	Indeterminate
State Revenue Increase	Indeterminate
Local Cost Increase	Indeterminate
Local Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) anticipates that the State and municipalities will incur indeterminate additional annual operating expenses from the processing of an increased number of applications; establishing training programs; enforcing, prosecuting, and trying the offenses established by the bill; and incarcerating any offenders. In addition, the OLS estimates increased State and municipal revenue because of the fee increases for the permit to carry application, the firearm purchaser identification card (FPIC), the permit to purchase a handgun (PPH), and increased fines and penalties.
- The bill's establishment of new crimes of the third and fourth degree, and disorderly persons offenses, will increase the workload of the Division of Criminal Justice in the Department of Law and Public Safety, county prosecutor's offices, the Administrative Office of the Courts, and municipal courts as additional defendants will be prosecuted and tried for these crimes and offenses. Crimes of the third and fourth degree are adjudicated by the Superior Court.

Disorderly persons offenses are adjudicated by municipal courts, in most circumstances. A presumption of non-incarceration applies to first-time offenders of crimes of the third and fourth degree, and disorderly persons offenses. Repeat offenders, however, could be incarcerated, with the Department of Corrections incurring the cost.

- The Victims of Crime Compensation Office will receive a portion of the established \$200 application fee for the permit to carry a handgun.

BILL DESCRIPTION

This bill removes from current law the justifiable need standard, which is the standard an individual is required to meet to hold a permit to carry a handgun in this State, in accordance with a recent decision of the United States Supreme Court in New York State Rifle & Pistol Association v. Bruen. The bill further establishes certain criteria for obtaining a permit to carry a handgun and codifies certain venues at which the right to carry firearms would be restricted due to security and safety concerns.

The bill expands the disqualifying criteria that would prohibit a person from obtaining an FPIC, PPH, or permit to carry a handgun.

The bill makes several changes to the procedure for applying for an FPIC or PPH. The bill increases the fee to obtain an FPIC from \$5 to \$50. The fee for the PPH would be increased from \$2 to \$25.

This bill renders a recent enactment (P.L.2022, c.58), which requires FPICs to display a picture and thumb print, inoperative until the Superintendent of State Police establishes a system for issuing these cards.

This bill codifies the current reporting procedure established by the State Police, which established a web portal for electronically reporting handgun sales and requires that handgun transfers between certain people be conducted via the web portal.

The bill revises the application process for obtaining a permit to carry a handgun. The bill requires an applicant to provide endorsements from four people, an increase of one additional endorsement, who are unrelated to the applicant. The chief of police or superintendent, as appropriate, is required to interview the applicant and those persons providing the endorsements and may request information from the applicant or any other person pertaining to publicly available statements posted or published online by the applicant. The bill also extends the time frame which the superintendent or chief of police is required to approve or deny an application for a permit to carry a handgun from 60 to 90 days.

The bill also requires the Superintendent of State Police to establish a training requirement in the lawful and safe handling and storage of firearms for persons who obtain a permit to carry a handgun. The training requirement is to consist of an online course of instruction, in-person classroom instruction, and target training. A person who obtained a permit to carry a handgun prior to the bill's effective date would be required to complete the classroom instruction and target training within 90 days of the bill's effective date.

In addition, the application fee for the permit to carry a handgun would be \$200. In the case of an application made to the chief police officer of a municipality, \$150 of the fee is to be retained by the municipality to defray the costs of investigation, administration, and processing of the permit to carry handgun applications. The remaining \$50 is to be forwarded to the superintendent to be deposited into the Victims of Crime Compensation Office account. The permit would be issued to the applicant electronically through email or through an established web portal. Prior to issuing the permit, the chief of police or superintendent is required to conduct an investigation of

the applicant. Any fees submitted to the superintendent are to be deposited into the Victims of Crime Compensation Office account. The permit would be issued to the applicant electronically through email or through an established web portal. Prior to issuing the permit, the chief of police or superintendent is required to conduct an investigation of the applicant.

The bill establishes certain requirements for certain private citizens who obtain a carry permit including obtaining liability insurance and exhibiting the permit to carry a handgun to a law enforcement officer if stopped or detained. A person who violates these requirements would be guilty of a crime of the fourth degree including the revocation of a permit to carry a handgun. A person who fails to display proof of liability insurance would be guilty of a disorderly persons offense and subject to a \$100 fine and guilty of a crime of the fourth degree for a second or subsequent offense.

The bill also delineates places in which certain permit holders would be prohibited from carrying a handgun. Under the bill, it would be a third degree crime to carry any firearm or weapon in those certain locations.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS anticipates that the State, county prosecutor's offices, local law enforcement agencies, and municipal courts will incur indeterminate additional annual operating expenses from processing an increased number of applications; establishing a training program; enforcing, prosecuting, and trying the offenses established by the bill; and incarcerating any offenders. In addition, the OLS estimates increased State and municipal revenue because of the fee increases for the permit to carry application, the FPIC, the PPH, and increased fines and penalties.

According to a June 2022 news article, only 1,000 permits to carry a handgun have been issued in the State and New Jersey State Police Superintendent Colonel Pat Callahan anticipates that more than 200,000 people will apply for these permits in light of the United States Supreme Court ruling.

State Expenditure Increases and Decreases – The OLS estimates that the bill's requirements will result in increased expenditures to the Division of State Police to process additional permit to carry a handgun applications, as well as establish a training mechanism for those individuals who are approved to obtain a carry permit.

Further, this bill establishes penalties for various offenses related to a permit to carry a handgun. The bill's establishment of new crimes of the third and fourth degree, and disorderly persons offenses, will increase the workload of the Division of Criminal Justice in the Department of Law and Public Safety, county prosecutor's offices, the Administrative Office of the Courts, and municipal courts, as additional defendants will be prosecuted and tried. Crimes of the third and fourth degree are adjudicated by the Superior Court. Disorderly persons offenses are adjudicated by municipal courts, in most circumstances. A presumption of non-incarceration applies to first-time offenders of crimes of the third and fourth degree, and disorderly persons offenses. Repeat offenders, however, could be incarcerated, with the Department of Corrections incurring the cost.

Further, the bill requires the Division of State Police to accept an increased number of permit to carry a handgun applications and establish a training program (online, in-person, and target training) with the Police Training Commission in the lawful and safe handling and storage of firearms for persons who obtain a permit to carry a handgun. The bill is anticipated to increase the Division of State Police's workload as there will be additional applications and additional persons required to be interviewed during the application process. The bill does extend the time frame for the superintendent to approve or deny an application for a permit to carry a handgun from 60 to 90 days, and this extension may be helpful in meeting this deadline depending on the number of applications received at any given time.

The OLS cannot determine if any of the increased firearm related fees or payment for training courses will offset the operations cost to the Division of State Police related to the anticipated increased workload. The Victims of Crime Compensation Office will receive a portion of the established \$200 application fee for the permit to carry a handgun.

Additionally, this bill renders a recent enactment (P.L.2022, c.58), which requires FPICs to display a picture and fingerprint, inoperative until the Superintendent of State Police establishes a system for issuing these cards. This may provide a temporary cost savings to the Division of State Police.

Lastly, the State may have legal costs associated with those challenging the bill's constitutionality.

Municipal Law Enforcement Expenditure Increase – The OLS estimates that the bill will produce indeterminate annual expenditure increases to municipalities, specifically law enforcement.

Under current law, in order to lawfully carry a handgun in public, applicants for a permit to carry a handgun need the approval of the chief of police in the municipality where they reside and the approval of a Superior Court judge in the county where they reside. This approval is contingent upon a person submitting, along with the application, a written certification establishing justifiable need. The OLS estimates that the increase in estimated applications will result in a need for additional manpower to fulfill the bill's requirements.

Specifically, the bill revises the application process for obtaining a permit to carry a handgun. Currently, the chief of police is required to interview the applicant and those persons providing the endorsements. The bill requires an applicant to provide endorsements from four people, an increase of one additional endorsement. The OLS estimates that, based on the anticipated increased number of applicants and investigations, this requirement will result in an increased workload for municipal law enforcement. The bill does extend the time frame for the chief of police to approve or deny an application for a permit to carry a handgun from 60 to 90 days, and this extension may be helpful in meeting this deadline depending on the number of applications received at any given time.

Further, a person who fails to display proof of liability insurance would be guilty of a disorderly persons offense. The bill's establishment of disorderly persons offenses will increase the workload of the municipal courts as additional defendants will be prosecuted and tried.

State and Municipal Annual Revenue – An increase in revenue from increased fees as well as additional indeterminate annual State and municipal revenue will accrue from fine and penalty payments from convicted violators of new statutory provisions.

Fees - The bill increases the fee to obtain an FPIC from \$5 to \$50, which must be renewed every ten years and only applies to those cards issued after the effective date of P.L.2022, c.58. The fee for the PPH would be increased from \$2 to \$25 and is only valid for 90 days.

The bill increases the application fee for the permit to carry a handgun from \$20 to \$200. In the case of an application made to the chief of police of a municipality, \$150 of the fee is to be retained by the municipality to defray the costs of investigation, administration, and processing of the permit to carry a handgun applications. The remaining \$50 is to be deposited with the superintendent. Any fees submitted to the superintendent are to be deposited into the Victims of Crime Compensation Office account.

Fine and penalty payments - This bill establishes penalties for various offenses related to the permit to carry a handgun. In establishing the new third degree crimes, fourth degree crimes, and disorderly persons offenses, the bill creates the potential for recurring State and municipal revenue gains.

Under the bill, it would be a third degree crime to carry any firearm or weapon in certain locations. In creating a new crime of the third degree, the bill could potentially generate increased recurring State revenue gains. Crimes of the third degree are punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

The bill establishes certain requirements for private citizens who obtain a permit to carry a handgun with penalties for violations. A person who has been detained by a law enforcement officer and does not immediately reveal the carrying of a handgun is guilty of a crime of the fourth degree. A person who fails to display the permit to carry a handgun to a law enforcement officer would be guilty of a disorderly persons offense and subject to a \$100 fine; for a second or subsequent offense the person is guilty of a crime of the fourth degree. A person detained by a law enforcement officer as part of a criminal investigation who fails to provide the handgun to the officer for inspection is guilty of a crime of the fourth degree. In addition, a person who fails to provide proof of liability insurance is guilty of a crime of the fourth degree. Fourth degree crimes are punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both. A disorderly persons offense is punishable by up to six months' imprisonment, a fine of up to \$1,000, or both. Disorderly person offenses are adjudicated by municipal courts, in most circumstances.

The OLS cannot determine the number of convictions the bill's provisions may generate, and by extension, the total of any resultant fine and penalty revenue. The OLS additionally notes that due to financial constraints, many penalties go unpaid.

Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Lead Fiscal Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

[Corrected Copy]

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

[Third Reprint]

ASSEMBLY, No. 4769

STATE OF NEW JERSEY

DATED: NOVEMBER 14, 2022

The Assembly Judiciary Committee reports favorably Assembly Committee Substitute for Assembly Bill No. 4769 (3R).

As reported by the committee, this Assembly Committee Substitute removes from current law the justifiable need standard, which is the standard an individual is required to meet to hold a permit to carry a handgun in this State, in accordance with a recent decision of the United States Supreme Court in New York State Rifle & Pistol Association v. Bruen. In addition, the committee substitute establishes certain criteria for obtaining a permit to carry a handgun and codifies certain venues at which the right to carry firearms and certain destructive devices would be restricted due to security and safety concerns.

Under current law, in order to lawfully carry a handgun in public, it is necessary for a private citizen to obtain a permit to carry a handgun. Applicants for a permit to carry a handgun need the approval of the chief of police in the municipality where they reside and the approval of a Superior Court judge in the county where they reside. Approval is contingent upon a person submitting, along with the application, a written certification establishing justifiable need. Justifiable need is defined as the urgent necessity for self-protection, as evidenced by specific threats or previous attacks which demonstrate a special danger to the applicant's life that cannot be avoided by means other than by issuance of a permit to carry a handgun. This committee substitute eliminates the justifiable need standard.

The committee substitute also expands the disqualifying criteria that would prohibit a person from obtaining a firearms purchaser identification card (FPIC), permit to purchase a handgun (PPH), or permit to carry a handgun. Under current law, a person who receives these documents is required to be of "good character" and "good repute" in the community and not subject to any of the disqualifying criteria listed in subsection c. of N.J.S.2C:58-3. This committee substitute removes the "good character" and "good repute" criteria and revises the standard to require the issuance of an FPIC or PPH, unless the applicant is known in the community in which the person lives as someone who has engaged

in acts or made statements suggesting the person is likely to engage in conduct, other than justified self-defense, that would pose a danger to self or others, or is subject to any of the disabilities set forth in current law. The committee substitute expands the list of disqualifying criteria to include:

- persons presently confined for a mental disorder as a voluntary admission or involuntary commitment for inpatient or outpatient treatment pursuant to the mental health screening law concerning assessments of persons believed to be in need of involuntary commitment to treatment, P.L.1987, c.116 (C.30:4-27.1 et seq.);
- persons who previously have been voluntarily admitted or involuntarily committed pursuant to P.L.1987, c.116 (C.30:4-27.1 et seq.), unless the court has expunged the person's record;
- persons who are subject to or have violated a temporary or final restraining order issued pursuant to the "Sexual Assault Survivor Protection Act of 2015";
- persons who have previously been voluntarily admitted or involuntarily committed to inpatient or outpatient mental health treatment, unless the court has expunged the person's record;
- persons who are subject to an outstanding arrest warrant for an indictable crime in this State or for a felony in any other state or federal jurisdiction. This provision would not include individuals seeking reproductive health care services in this State; and
- persons who are a fugitive from justice due to having fled from any state or federal jurisdiction to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding. This provision would not include individuals seeking reproductive health care services in this State.

The committee substitute also makes several changes to the procedure for applying for an FPIC or a PPH. Under the committee substitute, an applicant would be required to provide any aliases or other names previously used by the applicant. A PPH applicant also would be required to certify with respect to each handgun listed on the form, whether the applicant is purchasing the handgun on the applicant's own behalf or, if not, on behalf of a third party. In addition, the committee substitute increases the fee to obtain an FPIC from two dollars to \$25. The fee for the PPH would be increased from five dollars to \$50.

In addition, this committee substitute renders a recent enactment (P.L.2022, c.58), which requires FPICs to display a picture and thumb print, inoperative until the Superintendent of State Police establishes a system for issuing these cards. The committee substitute also clarifies that the FPIC would be electronically linked to the fingerprints of the card holder, rather than displaying a thumb print.

The committee substitute also expands the list of officials who are allowed to carry a firearm at all times in this State. Under current law, county and assistant prosecutors and deputy attorneys general are permitted to carry a firearm at all times in this State. The committee substitute extends this privilege to federal and municipal prosecutors, the Attorney General, and assistant attorneys general. In addition, the committee substitute allows federal, State, and county judges, including judges in Tax Court, Office of Administrative Law, and the Division of Workers' Compensation to carry a firearm at all times.

The committee substitute also codifies the electronic method for reporting handgun sales. Under current law, the PPH is issued as a quadruplicate document. A firearm retailer is required to complete all four of the documents prior to selling a handgun and send the first copy to the superintendent and the second copy to the chief of police of the municipality in which the purchaser resides. The third copy is retained by the retail dealer and may be subject to inspection by law enforcement at any reasonable time. The purchaser retains the fourth copy as a permanent record. This committee substitute requires the establishment of a web portal within six months of the bill's enactment for electronically reporting handgun sales. The committee substitute also requires that handgun transfers between or among immediate family members, law enforcement officers, or collectors of firearms or ammunition as curios or relics are to be conducted via the web portal. In addition, the committee substitute clarifies that a chief police officer or the Superintendent of State Police may delegate to subordinate officers the responsibilities of approving and issuing permits to carry a handgun and FPICs and PPHs.

In addition, the committee substitute revises the application process for obtaining a permit to carry a handgun. Under current law, a person applying for a permit to carry a handgun is required to provide endorsements from three people who have known the applicant for at least three years and can attest that he or she is of good moral character and behavior. The committee substitute requires an applicant to provide endorsements from four people who are unrelated to the applicant. The persons providing the endorsement are to provide relevant information, including the nature and extent of their relationship with the applicant and information concerning their knowledge of the applicant's use of drugs or alcohol. The committee substitute also requires the chief police officer or superintendent, as appropriate, to interview the applicant and persons providing the endorsement. The interviewer is to inquire whether the applicant is likely to engage in conduct that would result in harm to the applicant or others. Additionally, the interviewer is to inquire whether the applicant has any history of threats or acts of violence by the applicant directed toward self or others or any history of use, attempted use, or threatened use of physical force by the applicant against another person, or other incidents implicating the criteria that would disqualify

a person from obtaining a FPIC or PPH. The chief police officer or the superintendent also may require information from the applicant or any other person pertaining to publicly available statements posted or published online by the applicant. The committee substitute extends from 60 to 90 days the time frame which the superintendent or chief police officer is required to approve or deny an application for a permit to carry a handgun.

The committee substitute also requires the superintendent to establish a training requirement in the lawful and safe handling and storage of firearms for persons who obtain a permit to carry a handgun. The training requirement is to be established within six months of the bill's enactment and consist of an online course of instruction, in-person classroom instruction, and target training. The committee substitute requires the training to include demonstration of a level of proficiency in the use of a handgun in a manner as may be required by the superintendent and training on justification in the use of deadly force under State law. A person who obtained a permit to carry a handgun within six months following the bill's date of enactment and prior to the establishment of the training requirement would be required to complete the training within 10 months of the bill's date of enactment.

The application fee for the permit to carry a handgun would be \$200 under the substitute. In the case of an application made to the chief police officer of a municipality, \$150 of the fee is to be retained by the municipality and the remaining \$50 is to be forwarded to the superintendent. The fee amount retained by the municipality is to be used to defray the costs of investigation, administration, and processing of the permit to carry handgun applications. Application fees made to the superintendent are to be deposited into the Victims of Crime Compensation Office account. However, the bill removes from current law a \$20 fee imposed by the county clerk.

The committee substitute also provides that mayors and elected members of a municipal governing body are to apply to the superintendent, rather than the chief police officer, when applying for a permit to carry a handgun. In addition, the committee substitute allows the superintendent or chief police officer to solicit such other identification information as may be authorized by the superintendent to conduct a comparable criminal history records check for applicants who have already undergone a criminal history records check in the course of obtaining a FPIC or PPH.

Under the committee substitute, the permit would be issued to the applicant electronically through email or six months after the bill's enactment through the web portal established or designated for this purpose by the superintendent, or in such form or manner as may be authorized by the superintendent. Prior to issuing the permit, the chief police officer or superintendent is required to determine whether the applicant:

- has not engaged in any acts or made any statements that suggest the applicant is likely to engage in conduct, other than lawful self-defense, that would pose a danger to the applicant or others and who is not subject to any of the disabilities prohibiting the applicant from purchasing a firearm;
- is thoroughly familiar with the safe handling and use of handguns;
- has completed the training requirements established by the committee substitute; and
- is in compliance with the liability insurance requirements established by the committee substitute.

The provisions of the committee substitute requiring the chief police officer or superintendent to verify the training requirement and liability insurance are to remain inoperative for six months following the bill's enactment.

The committee substitute requires a private citizen who obtains a carry permit to obtain liability insurance. Under the committee substitute, applications for a permit to carry handguns are to include proof of liability insurance coverage and a certification that the applicant will maintain the insurance coverage for the duration of the permit. The committee substitute requires the liability insurance coverage to insure against loss resulting from liability imposed by law for bodily injury, death, and property damage sustained by any person arising out of the ownership, maintenance, operation or use of a firearm carried in public. The committee substitute requires the insurance coverage to be at least in an amount or limit of \$300,000, exclusive of interest and costs, on account of injury to, or death of, more than one person and damage to property, in any one incident.

The holder of a permit to carry a handgun would be required to produce proof of liability insurance within a reasonable amount of time following any injury, death, or property damage alleged to have been caused by the person carrying the handgun in public.

In addition, the committee substitute requires persons who obtain a permit to carry a handgun to adhere to certain requirements. Under the committee substitute, a person with a carry permit would be prohibited from:

- using or consuming alcohol, a cannabis item, or a controlled substance while carrying a handgun;
- being under the influence of alcohol, cannabis, or a controlled substance while carrying a handgun;
- carrying a handgun outside of a holster or in an unauthorized holster;
- carrying more than two firearms under the permittee's control at one time; or
- engaging in an unjustified display of a handgun.

A person who violates these requirements would be guilty of a crime of the fourth degree. A violation also may serve as sufficient grounds for revocation of a permit to carry a handgun.

The committee substitute provides that a permit holder, when stopped or detained by a law enforcement officer while publicly carrying the handgun or transporting it in a motor vehicle, would be required to immediately disclose to the officer that the permit holder is carrying or transporting a handgun and display the permit to carry a handgun. A person who fails to disclose to a law enforcement officer that the person is carrying a handgun would be guilty of a fourth degree crime. A person who fails to display a permit to carry a handgun would be guilty of a disorderly persons offense and subject to a \$100 fine for a first offense and guilty of a crime of the fourth degree for a second or subsequent offense. In addition, a permit holder who is carrying a handgun in public and is detained by a law enforcement officer as part of a criminal investigation would be required to provide the handgun to the officer for the purposes of inspection. A person who fails to provide the handgun would be guilty of a crime of the fourth degree.

The committee substitute also delineates places in which a person would be prohibited from carrying a firearm or destructive device. The limitation on places in which a person would be prohibited from carrying a firearm would not apply to persons permitted to carry a firearm in this State within the authorized scope of an exemption set forth in N.J.S.2C:39-6. The committee substitute also clarifies that it would be a de minimis infraction for which a person would not be prosecuted if the entry onto one of the prohibited locations was a brief, incidental entry onto property. Under the committee substitute, it would be a third degree crime to carry any firearm or a crime of the second degree to possess a destructive device in the following locations:

- a place owned, leased, or under the control of State, county, or municipal government used for the purpose of government administration, including but not limited to police stations;
- a courthouse, courtroom, or any other premises used to conduct judicial or court administrative proceedings or functions;
- a State, county, or municipal correctional or juvenile justice facility, jail and any other place maintained by or for a governmental entity for the detention of criminal suspects or offenders;
- a State-contracted half-way house;
- a location being used as a polling place during the conduct of an election and places used for the storage or tabulation of ballots;
- a place where a public gathering, demonstration, or event is held for which a government permit is required, during the conduct of such gathering, demonstration, or event;

- a school, college, university, or other educational institution and on any school bus;
- a child care facility, including a day care center;
- a nursery school, pre-school, zoo, or summer camp;
- a park, beach, recreation facility, or area or playground owned or controlled by a State, county or local government unit;
- at youth sports events during and immediately preceding and following the conduct of the event with exception to youth sports events that are firearm shooting competitions;
- a publicly owned or leased library or museum;
- a shelter for the homeless, emergency shelter for the homeless, basic center shelter program, shelter for homeless or runaway youth, children's shelter, child care shelter, shelter for victims of domestic violence, or any shelter licensed by or under the control of the Juvenile Justice Commission or the Department of Children and Families;
- a community residence for persons with developmental disabilities, head injuries, or terminal illnesses, or any other residential setting licensed by the Department of Human Services or Department of Health;
- a bar or restaurant where alcohol is served, and any other site or facility where alcohol is sold for consumption on the premises;
- a Class 5 Cannabis retailer or medical cannabis dispensary, including any consumption areas licensed or permitted by the Cannabis Regulatory Commission;
- a privately or publicly owned and operated entertainment facility within this State, including but not limited to a theater, stadium, museum, arena, racetrack, or other place where performances, concerts, exhibits, games, or contests are held;
- a casino and related facilities, including but not limited to appurtenant hotels, retail premises, restaurant, and bar facilities, and entertainment and recreational venues located within the casino property;
- a plant or operation that produces, converts, distributes, or stores energy or converts one form of energy to another;
- an airport or public transportation hub;
- a health care facility and any facility licensed or regulated by the Department of Human Services, Department of Children and Families, or Department of Health;
- a public location being used for making motion picture or television images for theatrical, commercial or educational purposes, during the time such location is being used for that purpose;
- private property, including but not limited to residential, commercial, industrial, agricultural, institutional, or undeveloped property, unless the owner has provided express

consent or has posted a sign indicating that it is permissible to carry on the premises a concealed handgun with a valid and lawfully issued permit to carry; and

- any other place in which the carrying of a firearm is prohibited by statute or rule or regulation promulgated by a federal or State agency.

This committee substitute also allows retired law enforcement officers to renew their permit to carry a handgun every two years. Under current law, retired law enforcement officers are required to annually renew their permit to carry. The committee substitute preserves the requirement under current law that retired law enforcement officers semi-annually qualify in the use of the handgun in accordance with the requirements and procedures established by the Attorney General.

The committee substitute also requires the holder of a permit to carry a handgun to adhere to certain requirements while transporting the handgun in a vehicle.

Finally, the committee substitute clarifies that application determinations for a permit to carry a handgun that were pending before the Superior Court and filed prior to bill's enactment are to be made by the court. A Judge of the Superior Court may rely on the approval by the chief police officer or superintendent, as the case may be, as the basis for issuing the permit. Application determinations for a permit to carry a handgun that are submitted on or after the date of the bill's enactment will be made by a chief police officer or superintendent, as the case may be, in accordance with the provisions of the bill.

COMMITTEE SUBSTITUTE

The committee substitute revised the bill to:

1) remove the prohibition on weapons in sensitive places and replace it with destructive devices;

2) establish a second degree crime of possessing destructive devices in sensitive locations;

3) remove from current law a \$20 fee imposed by the county clerk;

4) clarify that a chief police officer or the Superintendent of State Police may delegate to subordinate officers the responsibilities of approving and issuing permits to carry a handgun and FPICs and PPHs;

5) allow retired law enforcement officers to renew their permits to carry a handgun every two years;

6) allow persons exempted pursuant to N.J.S.2C:39-6 to carry a firearm within the prohibited locations;

7) require the insurance coverage to be at least in an amount or limit of \$300,000 for injury or death of more than one person and damage to property, in any one incident; as introduced the bill required varying coverage amounts for injury, death, and property damage;

8) provide that the establishment of a web portal and training requirement is to take place within six months of the bill's enactment;

9) provide that the requirement that the chief police officer or superintendent to verify the training requirement and liability insurance prior to issuing a permit to carry a handgun are to remain inoperative for six months following the bill's enactment.

10) include among the sensitive locations places used for storing or tabulation of ballots, medical offices, and ambulatory care facilities;

11) clarify that youth sporting competitions do not include firearm shooting competitions;

12) clarify that application determinations for a permit to carry a handgun that were pending before the Superior Court and filed prior to the bill's enactment are to be made by the court;

13) clarify that a person would be disqualified from obtaining an FPIC or a PPH if the person has a substance use disorder involving drugs, under certain circumstances. As introduced, the bill used the term "drug dependent person," rather than the more modern statutory term "substance use disorder involving drugs";

14) expand the list of officials who are allowed to carry a firearm at all times in this State to certain judges, prosecutors, the Attorney General, assistant attorneys general, and deputy attorneys general; and

15) make clarifying and technical changes.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 4769
STATE OF NEW JERSEY
220th LEGISLATURE

DATED: NOVEMBER 25, 2022

SUMMARY

- Synopsis:** Makes various revisions to requirements for obtaining a firearm purchaser identification card, permit to purchase a handgun, and permit to carry a handgun; codifies sensitive places in which firearms and destructive devices are prohibited.
- Type of Impact:** Annual State and municipal expenditure increases.
Annual State and municipal revenues increases.
- Agencies Affected:** Department of Law and Public Safety; Department of Corrections; Victims of Crime Compensation Office; Administrative Office of the Courts; Superior Courts; Municipal Law Enforcement and Prosecutors.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Expenditure Increase	Indeterminate
State Revenue Increase	Indeterminate
Local Cost Increase	Indeterminate
Local Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) anticipates that the State and municipalities will incur indeterminate additional annual operating expenses from the processing of an increased number of applications; establishing training programs; enforcing, prosecuting, and trying the offenses established by the bill; and incarcerating any offenders. In addition, the OLS estimates increased State and municipal revenue because of the fee increases for the permit to carry application, the firearms purchaser identification card (FPIC), the permit to purchase a handgun (PPH), and increased fines and penalties.
- The bill's establishment of crimes of the second, third, and fourth degree, and disorderly persons offenses will increase the workload of the Division of Criminal Justice in the Department of Law and Public Safety, county prosecutor's offices, the Administrative Office of the Courts, and municipal courts as additional defendants will be prosecuted and tried for

these crimes and offenses. Crimes of the second, third, and fourth degree are adjudicated by the Superior Court. Disorderly persons offenses are adjudicated by municipal courts, in most circumstances. A presumption of non-incarceration applies to first-time offenders of crimes of the third and fourth degree, and disorderly persons offenses. Repeat offenders, however, could be incarcerated, with the Department of Corrections incurring the cost.

- The Victims of Crime Compensation Office will receive a portion of the established \$200 application fee for the permit to carry a handgun.

BILL DESCRIPTION

This bill removes from current law the justifiable need standard, which is the standard an individual is required to meet to hold a permit to carry a handgun in this State, in accordance with a recent decision of the United States Supreme Court in New York State Rifle & Pistol Association v. Bruen. The bill further establishes certain criteria for obtaining a permit to carry a handgun and codifies certain venues at which the right to carry firearms and certain destructive devices would be restricted due to security and safety concerns.

The bill expands the disqualifying criteria that would prohibit a person from obtaining an FPIC, PPH, or permit to carry a handgun.

The bill makes several changes to the procedure for applying for an FPIC or a PPH. The bill increases the fee to obtain an FPIC from \$5 to \$50. The fee for a PPH would be increased from \$2 to \$25.

This bill renders a recent enactment (P.L.2022, c.58), which requires FPICs to display a picture and thumb print, inoperative until the Superintendent of State Police establishes a system for issuing these cards. Eventually, the FPIC would be electronically linked to the fingerprints of the card holder, rather than displaying a thumb print. The permits would be issued to the applicant electronically through the web portal.

This bill codifies the current reporting procedure established by the State Police, which established a web portal for electronically reporting handgun sales and requires that handgun transfers between certain people be conducted via the web portal.

The bill permits retired law enforcement officers to renew their permit to carry a handgun every two years as compared to the annual renewal of their permit to carry.

The bill revises the application process for obtaining a permit to carry a handgun. The bill requires an applicant to provide endorsements from four people, an increase of one additional endorsement, who are unrelated to the applicant. The chief police officer or superintendent, as appropriate, is required to interview the applicant and those persons providing the endorsements and may request information from the applicant or any other person pertaining to publicly available statements posted or published online by the applicant. The bill also extends the time frame within which the superintendent or chief police officer is required to approve or deny an application for a permit to carry a handgun from 60 to 90 days.

The bill also requires the superintendent to establish a training requirement on or before the first day of the seventh month of the bill's enactment in the lawful and safe handling and storage of firearms for persons who obtain a permit to carry a handgun. The training requirement is to consist of an online course of instruction, in-person classroom instruction, and target training. A person who obtained a permit to carry a handgun prior to the first day of the seventh month following the bill's effective date and prior to the establishment of the of the training requirement would be required to complete the classroom instruction and target training within ten months of the bill's enactment.

The bill removes from current law a \$20 fee imposed by the county clerk but imposes a \$200 application fee for the permit to carry a handgun. In the case of an application made to the chief police officer of a municipality, \$150 of the fee is to be retained by the municipality to defray the costs of investigation, administration, and processing of the permit to carry handgun applications. The remaining \$50 is to be forwarded to the superintendent to be deposited into the Victims of Crime Compensation Office account. The permit would be issued to the applicant electronically through email or through an established web portal. Prior to issuing the permit, the chief police officer or superintendent is required to conduct an investigation of the applicant. Any fees submitted to the superintendent are to be deposited into the Victims of Crime Compensation Office account.

The bill establishes requirements for private citizens who obtain a carry permit, including: (1) certain safe carry requirements; (2) obtaining liability insurance and providing proof of insurance in certain instances; (3) disclosing the presence of a handgun and exhibiting the permit to carry to a law enforcement officer if stopped or detained while carrying in public or traveling with a handgun in a motor vehicle; and (4) providing a handgun to a law enforcement officer for inspection, upon request if detained by the officer as part of a criminal investigation. A person who violates the safe carry and insurance requirements would be guilty of a crime of the fourth degree. A person who fails to exhibit a permit to carry would be guilty of a disorderly persons offense and subject to a \$100 fine for the first offense and guilty of a crime of the fourth degree for a second or subsequent offense. A person who is carrying a handgun in public without a permit to carry or openly and not concealed, whether or not the person has a permit to carry, would be guilty of a crime of the fourth degree.

The bill also delineates places in which certain persons would be prohibited from carrying a firearm or destructive device. Under the bill, it would be a third degree crime to carry any firearm or a crime of the second degree to possess a destructive device in those certain locations.

Finally, the bill clarifies that application determinations for a permit to carry a handgun that were pending before the Superior Court and filed prior to bill's enactment are to be made by the court. A Judge of the Superior Court may rely on the approval by the chief police officer or superintendent, as the case may be, as the basis for issuing the permit. Application determinations for a permit to carry a handgun that are submitted on or after the date of the bill's enactment will be made solely by a chief police officer or superintendent..

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS anticipates that the State, county prosecutor's offices, local law enforcement agencies, and municipal courts will incur indeterminate additional annual operating expenses from processing an increased number of applications; establishing a training program; enforcing, prosecuting, and trying the offenses established by the bill; and incarcerating any offenders. In addition, the OLS estimates increased State and municipal revenue because of the fee increases for the permit to carry application, the FPIC, the PPH, and increased fines and penalties.

According to a June 2022 news article, only 1,000 permits to carry a handgun have been issued in the State and New Jersey State Police Superintendent Colonel Pat Callahan anticipates that more than 200,000 people will apply for these permits in light of the United States Supreme Court ruling.

State Expenditure Increases and Decreases – The OLS estimates that the bill’s requirements will result in increased expenditures to the Division of State Police to process additional permit to carry a handgun applications, as well as to establish a training program for those individuals who are approved to obtain a carry permit.

Further, this bill establishes penalties for various offenses related to a permit to carry a handgun. The bill’s establishment of crimes of the second, third, and fourth degree, and disorderly persons offenses, will increase the workload of the Division of Criminal Justice in the Department of Law and Public Safety, county prosecutor’s offices, the Administrative Office of the Courts, and municipal courts, as additional defendants will be prosecuted and tried. Crimes of the second, third, and fourth degree are adjudicated by the Superior Court. Disorderly persons offenses are adjudicated by municipal courts, in most circumstances. A presumption of incarceration applies to crimes of the second degree; however, a presumption of non-incarceration applies to first-time offenders of crimes of the third and fourth degree, and disorderly persons cases. Repeat offenders, however, could be incarcerated.

Further, the bill requires the Division of State Police to accept an increased number of permit to carry a handgun applications and establish a training program (online, in-person, and target training) with the Police Training Commission in the lawful and safe handling and storage of firearms for persons who obtain a permit to carry a handgun. The bill is anticipated to increase the Division of State Police’s workload as there will be additional applications and persons required to be interviewed during the application process. The bill does extend the time frame for the superintendent to approve or deny an application for a permit to carry a handgun from 60 to 90 days, and this extension may be helpful in meeting this deadline depending on the number of applications received at any given time.

The OLS cannot determine if any of the increased firearm related fees or payments for training courses will offset the operations cost to the Division of State Police related to the anticipated increased workload. The Victims of Crime Compensation Office will receive a portion of the established \$200 application fee for the permit to carry a handgun.

Additionally, this bill renders a recent enactment (P.L.2022, c.58), which requires FPICs to display a picture and fingerprint, inoperative until the superintendent establishes a system for issuing these cards. This may provide a temporary cost savings to the Division of State Police.

Lastly, the State may have legal costs associated with those challenging the bill’s constitutionality.

Municipal Law Enforcement Expenditure Increase – The OLS estimates that the bill will produce indeterminate annual expenditure increases to municipalities, specifically law enforcement.

Under current law, in order to lawfully carry a handgun in public, applicants for a permit to carry a handgun need the approval of the chief police officer in the municipality where they reside and the approval of a Superior Court judge in the county where they reside. This approval is contingent upon a person submitting, along with the application, a written certification establishing justifiable need. As the bill changes current law and there is an expectation of increased applications, the OLS estimates that the increase in estimated applications will result in a need for additional manpower to fulfill the bill’s requirements.

Specifically, the bill revises the application process for obtaining a permit to carry a handgun. Currently, the chief police officer is required to interview the applicant and those persons providing

the endorsements. The bill requires an applicant to provide endorsements from four people, an increase of one additional endorsement. The OLS estimates that, based on the anticipated increase in the number of applicants and investigations, this requirement will result in an increased workload for municipal law enforcement. The bill does extend the time frame for the chief police officer to approve or deny an application for a permit to carry a handgun from 60 to 90 days, and this extension may be helpful in meeting this deadline depending on the number of applications received at any given time.

Further, a person who fails to exhibit a carry permit to a law enforcement officer when stopped or detained would be guilty of a disorderly persons offense in the case of a first offense. The bill's establishment of this disorderly persons offense will increase the workload of the municipal courts as additional defendants will be prosecuted and tried.

State and Municipal Annual Revenue – An increase in revenue from increased fees as well as additional indeterminate annual State and municipal revenue will accrue from fine and penalty payments from convicted violators of new statutory provisions.

Fees - The bill increases the fee to obtain an FPIC from \$5 to \$50, which must be renewed every ten years and only applies to those cards issued after the effective date of P.L.2022, c.58. The fee for the PPH would be increased from \$2 to \$25 and is only valid for 90 days.

The bill increases the fee associated with the permit to carry a handgun from \$20 to \$200. In the case of an application made to the chief police officer of a municipality, \$150 of the fee is to be retained by the municipality to defray the costs of investigation, administration, and processing of the permit to carry a handgun applications. The remaining \$50 is to be deposited with the superintendent. Any fees submitted to the superintendent are to be deposited into the Victims of Crime Compensation Office account.

Fine and penalty payments - This bill establishes penalties for various offenses related to the permit to carry a handgun. In establishing the crimes of the second, third, and fourth degree, and disorderly persons offenses, the bill creates the potential for recurring State and municipal revenue gains.

Under the bill, it would be a crime of the second degree to carry a destructive device in certain locations and a crime of the third degree to carry a firearm in certain locations. In creating new crimes of the second and third degree, the bill could potentially generate increased recurring State revenue gains. Crimes of the second degree are punishable by a term of imprisonment of five to 10 years, a fine of up to \$150,000, or both. Crimes of the third degree are punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

The bill establishes certain requirements for private citizens who obtain a permit to carry a handgun with penalties for violations. The bill creates several crimes of the fourth degree. Under the bill, a person would be guilty of a crime of a fourth degree by: (1) violating the safe carry requirements established by the bill; (2) violating the requirements to obtain insurance and display proof of the insurance, in certain instances; (3) failing to disclose the presence of a handgun to a law enforcement officer, upon request, if stopped or detained; (4) failing to provide a handgun to a law enforcement officer, upon request, if detained for a criminal investigation; (5) committing a second or subsequent offense of failing to display a permit to carry a handgun to a law enforcement officer if stopped or detained; (6) carrying a handgun in public without a permit to carry, under certain circumstances; and (7) carrying a handgun in public openly and not concealed, whether or not in possession of a permit to carry. Crimes of the fourth degree are punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both.

A person who fails to display the permit to carry a handgun to a law enforcement officer would be guilty of a disorderly persons offense and subject to a \$100 fine for a first offense. A disorderly

persons offense is punishable by up to six months' imprisonment, a fine of up to \$1,000, or both. Disorderly persons offenses are adjudicated by municipal courts, in most circumstances.

The OLS cannot determine the number of convictions the bill's provisions may generate, and by extension, the total of any resultant fine and penalty revenue. The OLS additionally notes that due to financial constraints, many penalties go unpaid.

Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Lead Fiscal Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 4769

STATE OF NEW JERSEY

DATED: DECEMBER 5, 2022

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 4769 ACS.

As reported by the committee, this bill removes from current law the justifiable need standard, which is the standard an individual is required to meet to hold a permit to carry a handgun in this State, in accordance with a recent decision of the United States Supreme Court in New York State Rifle & Pistol Association v. Bruen. In addition, the bill establishes certain criteria for obtaining a permit to carry a handgun and codifies certain venues at which the right to carry firearms and certain destructive devices would be restricted due to security and safety concerns.

Under current law, in order to lawfully carry a handgun in public, it is necessary for a private citizen to obtain a permit to carry a handgun. Applicants for a permit to carry a handgun need the approval of the chief of police in the municipality where they reside and the approval of a Superior Court judge in the county where they reside. Approval is contingent upon a person submitting, along with the application, a written certification establishing justifiable need. Justifiable need is defined as the urgent necessity for self-protection, as evidenced by specific threats or previous attacks which demonstrate a special danger to the applicant's life that cannot be avoided by means other than by issuance of a permit to carry a handgun. This bill eliminates the justifiable need standard.

The bill also expands the disqualifying criteria that would prohibit a person from obtaining a firearms purchaser identification card (FPIC), permit to purchase a handgun (PPH), or permit to carry a handgun. Under current law, a person who receives these documents is required to be of “good character” and “good repute” in the community and not subject to any of the disqualifying criteria listed in subsection c. of N.J.S.2C:58-3. This bill removes the “good character” and “good repute” criteria and revises the standard to require the issuance of an FPIC or PPH, unless the applicant is known in the community in which the person lives as someone who has engaged in acts or made statements suggesting the person is likely to engage in conduct, other than justified self-defense, that would pose a danger to self or others, or is subject to any of the disabilities set forth in current law. The bill expands the list of disqualifying criteria to include:

- persons presently confined for a mental disorder as a voluntary admission or involuntary commitment for inpatient or outpatient treatment pursuant to the mental health screening law concerning assessments of persons believed to be in need of involuntary commitment to treatment, P.L.1987, c.116 (C.30:4-27.1 et seq.);
- persons who are subject to or have violated a temporary or final restraining order issued pursuant to the “Sexual Assault Survivor Protection Act of 2015”;
- persons who have previously been voluntarily admitted or involuntarily committed to inpatient or outpatient mental health treatment, unless the court has expunged the person’s record;
- persons who are subject to an outstanding arrest warrant for an indictable crime in this State or for a felony in any other state or federal jurisdiction. This provision would not include individuals seeking reproductive health care services in this State; and
- persons who are a fugitive from justice due to having fled from any state or federal jurisdiction to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding. This provision would not include individuals seeking reproductive health care services in this State.

The bill also makes several changes to the procedure for applying for an FPIC or a PPH. Under the bill, an applicant would be required to provide any aliases or other names previously used by the applicant. A PPH applicant also would be required to certify with respect to each handgun listed on the form, whether the applicant is purchasing the handgun on the applicant’s own behalf or, if not, on behalf of a third party. In addition, the bill increases the fee to obtain a PPH from two dollars to \$25. The fee for the FPIC would be increased from five dollars to \$50.

In addition, this bill renders a recent enactment (P.L.2022, c.58), which requires FPICs to display a picture and thumb print, inoperative until the Superintendent of State Police establishes a system for issuing these cards. The bill also clarifies that the FPIC would be electronically linked to the fingerprints of the card holder, rather than displaying a thumb print.

The bill also expands the list of officials who are allowed to carry a firearm at all times in this State. Under current law, county and assistant prosecutors and deputy attorneys general are permitted to carry a firearm at all times in this State. The bill extends this privilege to federal and municipal prosecutors, the Attorney General, and assistant attorneys general. In addition, the bill allows federal, State, and county judges, including judges in Tax Court, Office of Administrative Law, and the Division of Workers’ Compensation to carry a firearm at all times.

The bill also codifies the electronic method for reporting handgun sales. Under current law, the PPH is issued as a quadruplicate document. A firearm retailer is required to complete all four of the documents prior to selling a handgun and send the first copy to the superintendent and the second copy to the chief of police of the municipality in which the purchaser resides. The third copy is retained by the retail dealer and may be subject to inspection by law enforcement at any reasonable time. The purchaser retains the fourth copy as a permanent record. This bill requires the establishment of a web portal within six months of the bill's enactment for electronically reporting handgun sales. The bill also requires that handgun transfers between or among immediate family members, law enforcement officers, or collectors of firearms or ammunition as curios or relics be conducted via the web portal. In addition, the bill clarifies that a chief police officer or the Superintendent of State Police may delegate to subordinate officers the responsibilities of approving and issuing permits to carry a handgun and FPICs and PPHs.

In addition, the bill revises the application process for obtaining a permit to carry a handgun. Under current law, a person applying for a permit to carry a handgun is required to provide endorsements from three people who have known the applicant for at least three years and can attest that he or she is of good moral character and behavior. The bill requires an applicant to provide endorsements from four people who are unrelated to the applicant. The persons providing the endorsement are to provide relevant information, including the nature and extent of their relationship with the applicant and information concerning their knowledge of the applicant's use of drugs or alcohol. The bill also requires the chief police officer or superintendent, as appropriate, to interview the applicant and persons providing the endorsements. The interviewer is to inquire whether the applicant is likely to engage in conduct that would result in harm to the applicant or others. Additionally, the interviewer is to inquire whether the applicant has any history of threats or acts of violence by the applicant directed toward self or others or any history of use, attempted use, or threatened use of physical force by the applicant against another person, or other incidents implicating the criteria that would disqualify a person from obtaining a FPIC or PPH. The chief police officer or the superintendent also may require information from the applicant or any other person pertaining to publicly available statements posted or published online by the applicant. The bill extends from 60 to 90 days the time frame which the superintendent or chief police officer is required to approve or deny an application for a permit to carry a handgun.

The bill also requires the superintendent to establish a training requirement in the lawful and safe handling and storage of firearms for persons who obtain a permit to carry a handgun. The training requirement is to be established within six months of the bill's

enactment and consist of an online course of instruction, in-person classroom instruction, and target training. The bill requires the training to include demonstration of a level of proficiency in the use of a handgun in a manner as may be required by the superintendent and training on justification in the use of deadly force under State law. A person who obtained a permit to carry a handgun within six months following the bill's date of enactment and prior to the establishment of the training requirement would be required to complete the training within 10 months of the bill's date of enactment.

The application fee for the permit to carry a handgun would be \$200 under the bill. In the case of an application made to the chief police officer of a municipality, \$150 of the fee is to be retained by the municipality and the remaining \$50 is to be forwarded to the superintendent. The fee amount retained by the municipality is to be used to defray the costs of investigation, administration, and processing of the permit to carry handgun applications. Application fees made to the superintendent are to be deposited into the Victims of Crime Compensation Office account. However, the bill removes from current law a \$20 fee imposed by the county clerk.

The bill also provides that mayors and elected members of a municipal governing body are to apply to the superintendent, rather than the chief police officer, when applying for a permit to carry a handgun. In addition, the bill allows the superintendent or chief police officer to solicit such other identification information as may be authorized by the superintendent to conduct a comparable criminal history records check for applicants who have already undergone a criminal history records check in the course of obtaining a FPIC or PPH.

Under the bill, the permit would be issued to the applicant electronically through email or six months after the bill's enactment through the web portal established or designated for this purpose by the superintendent, or in such form or manner as may be authorized by the superintendent. The chief police officer or superintendent is to issue the permit if the applicant:

- has not engaged in any acts or made any statements that suggest the applicant is likely to engage in conduct, other than lawful self-defense, that would pose a danger to the applicant or others and who is not subject to any of the disabilities prohibiting the applicant from purchasing a firearm;
- is thoroughly familiar with the safe handling and use of handguns;
- has completed the training requirements established by the bill; and
- is in compliance with the liability insurance requirements established by the bill.

The provisions of the bill requiring the chief police officer or superintendent to verify the training requirement and liability insurance are to remain inoperative for six months following the bill's enactment.

The bill requires a private citizen who obtains a carry permit to obtain liability insurance. Under the bill, applications for a permit to carry handguns are to include proof of liability insurance coverage. The bill requires the liability insurance coverage to insure against loss resulting from liability imposed by law for bodily injury, death, and property damage sustained by any person arising out of the ownership, maintenance, operation or use of a firearm carried in public. The bill requires the insurance coverage to be at least in an amount or limit of \$300,000, exclusive of interest and costs, on account of injury to, or death of, more than one person and damage to property, in any one incident.

The holder of a permit to carry a handgun would be required to produce proof of liability insurance within a reasonable amount of time following any injury, death, or property damage alleged to have been caused by the person carrying the handgun in public.

In addition, the bill requires persons who obtain a permit to carry a handgun to adhere to certain requirements. Under the bill, a person with a carry permit would be prohibited from:

- using or consuming alcohol, a cannabis item, or a controlled substance while carrying a handgun;
- being under the influence of alcohol, cannabis, or a controlled substance while carrying a handgun;
- carrying a handgun outside of a holster or in an unauthorized holster;
- carrying more than two firearms under the permittee's control at one time; or
- engaging in an unjustified display of a handgun.

A person who violates these requirements would be guilty of a crime of the fourth degree. A violation is to serve as sufficient grounds for revocation of a permit to carry a handgun.

The bill provides that a permit holder, when stopped or detained by a law enforcement officer while publicly carrying the handgun or transporting it in a motor vehicle, would be required to immediately disclose to the officer that the permit holder is carrying or transporting a handgun and display the permit to carry a handgun. A person who fails to disclose to a law enforcement officer that the person is carrying a handgun would be guilty of a fourth degree crime. A person who fails to display a permit to carry a handgun would be guilty of a disorderly persons offense and subject to a \$100 fine for a first offense and guilty of a crime of the fourth degree for a second or subsequent offense. In addition, a permit holder who is carrying a handgun in public and is detained by a law enforcement officer as part of a criminal investigation would be required to provide the handgun to the

officer for the purposes of inspection. A person who fails to provide the handgun would be guilty of a crime of the fourth degree.

The bill also delineates places in which a person would be prohibited from carrying a firearm or destructive device. The limitation on places in which a person would be prohibited from carrying a firearm would not apply to persons permitted to carry a firearm in this State within the authorized scope of an exemption set forth in N.J.S.2C:39-6. The bill also clarifies that it would be a de minimis infraction for which a person would not be prosecuted if the entry onto one of the prohibited locations was a brief, incidental entry onto property. Under the bill, it would be a third degree crime to carry any firearm or a crime of the second degree to possess a destructive device in the following locations:

- a place owned, leased, or under the control of State, county, or municipal government used for the purpose of government administration, including but not limited to police stations;
- a courthouse, courtroom, or any other premises used to conduct judicial or court administrative proceedings or functions;
- a State, county, or municipal correctional or juvenile justice facility, jail and any other place maintained by or for a governmental entity for the detention of criminal suspects or offenders;
- a State-contracted half-way house;
- a location being used as a polling place during the conduct of an election and places used for the storage or tabulation of ballots;
- within 100 feet of a place where a public gathering, demonstration, or event is held for which a government permit is required, during the conduct of such gathering, demonstration, or event;
- a school, college, university, or other educational institution and on any school bus;
- a child care facility, including a day care center;
- a nursery school, pre-school, zoo, or summer camp;
- a park, beach, recreation facility, or area or playground owned or controlled by a State, county or local government unit;
- at youth sports events during and immediately preceding and following the conduct of the event with exception to youth sports events that are firearm shooting competitions;
- a publicly owned or leased library or museum;
- a shelter for the homeless, emergency shelter for the homeless, basic center shelter program, shelter for homeless or runaway youth, children's shelter, child care shelter, shelter for victims of domestic violence, or any shelter licensed by or under the control of the Juvenile Justice Commission or the Department of Children and Families;

- a community residence for persons with developmental disabilities, head injuries, or terminal illnesses, or any other residential setting licensed by the Department of Human Services or Department of Health;
- a bar or restaurant where alcohol is served, and any other site or facility where alcohol is sold for consumption on the premises;
- a Class 5 Cannabis retailer or medical cannabis dispensary, including any consumption areas licensed or permitted by the Cannabis Regulatory Commission;
- a privately or publicly owned and operated entertainment facility within this State, including but not limited to a theater, stadium, museum, arena, racetrack, or other place where performances, concerts, exhibits, games, or contests are held;
- a casino and related facilities, including but not limited to appurtenant hotels, retail premises, restaurant, and bar facilities, and entertainment and recreational venues located within the casino property;
- a plant or operation that produces, converts, distributes, or stores energy or converts one form of energy to another;
- an airport or public transportation hub;
- a health care facility and any facility licensed or regulated by the Department of Human Services, Department of Children and Families, or Department of Health;
- a public location being used for making motion picture or television images for theatrical, commercial or educational purposes, during the time such location is being used for that purpose;
- private property, including but not limited to residential, commercial, industrial, agricultural, institutional, or undeveloped property, unless the owner has provided express consent or has posted a sign indicating that it is permissible to carry on the premises a concealed handgun with a valid and lawfully issued permit to carry; and
- any other place in which the carrying of a firearm is prohibited by statute or rule or regulation promulgated by a federal or State agency.

This bill also allows retired law enforcement officers to renew their permit to carry a handgun every two years. Under current law, retired law enforcement officers are required to annually renew their permit to carry. The bill preserves the requirement under current law that retired law enforcement officers semi-annually qualify in the use of the handgun in accordance with the requirements and procedures established by the Attorney General.

The bill also requires the holder of a permit to carry a handgun to adhere to certain requirements while transporting the handgun in a vehicle.

Finally, the bill clarifies that application determinations for a permit to carry a handgun that were pending before the Superior Court and filed prior to the bill's enactment are to be made by the court. A Judge of the Superior Court may rely on the approval by the chief police officer or superintendent, as the case may be, as the basis for issuing the permit. Application determinations for a permit to carry a handgun that are submitted on or after the date of the bill's enactment will be made by a chief police officer or superintendent, as the case may be, in accordance with the provisions of the bill.

As reported by the committee, Assembly Bill No. 4769 (ACS) is identical to the Senate Committee Substitute for Senate Bill No. 3214 (SCS), which also was reported by the committee on this date.

FISCAL IMPACT:

The Office of Legislative Services (OLS) anticipates that the State and municipalities will incur indeterminate additional annual operating expenses from the processing of an increased number of applications; establishing training programs; enforcing, prosecuting, and trying the offenses established by the bill; and incarcerating any offenders. In addition, the OLS estimates increased State and municipal revenue because of the fee increases for the permit to carry application, the firearms purchaser identification card (FPIC), the permit to purchase a handgun (PPH), and increased fines and penalties.

The bill's establishment of crimes of the second, third, and fourth degree, and disorderly persons offenses will increase the workload of the Division of Criminal Justice in the Department of Law and Public Safety, county prosecutor's offices, the Administrative Office of the Courts, and municipal courts as additional defendants will be prosecuted and tried for these crimes and offenses. Crimes of the second, third, and fourth degree are adjudicated by the Superior Court. Disorderly persons offenses are adjudicated by municipal courts, in most circumstances. A presumption of non-incarceration applies to first-time offenders of crimes of the third and fourth degree, and disorderly persons offenses. Repeat offenders, however, could be incarcerated, with the Department of Corrections incurring the cost.

The Victims of Crime Compensation Office will receive a portion of the established \$200 application fee for the permit to carry a handgun.

SENATE, No. 3214

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED OCTOBER 17, 2022

Sponsored by:

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Makes various revisions to requirements for obtaining a firearm purchaser identification card, permit to purchase a handgun, and permit to carry a handgun; codifies sensitive places in which firearms and weapons are prohibited.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the sale and possession of firearms and
2 supplementing and amending various parts of the statutory law.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. (New section) The Legislature finds and declares that:

8 a. The decision of the United States Supreme Court in New
9 York State Rifle & Pistol Association v Bruen holds significant
10 implications for carrying a handgun in New Jersey and the law
11 governing the issuance of permits to carry a handgun. The Bruen
12 decision establishes that states cannot deny permits to carry a
13 handgun to otherwise-qualified citizens who fail to show that they
14 have the “proper cause” to carry a handgun. New Jersey law relies
15 on a similar standard, considering whether an applicant has a
16 “justifiable need,” in determining whether to issue a permit to carry
17 a handgun.

18 b. In accordance with the precedent established in the Bruen
19 decision, laws requiring showings of particularized need are no
20 longer legally viable to determine whether a person may carry a
21 handgun in public. The Bruen decision does make clear, however,
22 that the Legislature can enact laws to protect our communities from
23 threats to public health, safety, and welfare posed by gun violence,
24 which take into account as appropriate the Supreme Court’s Second
25 Amendment ruling while continuing to promote and enhance public
26 safety.

27 c. Statistics show that expanding handgun carrying creates
28 safety risks, helping to fuel the epidemic of gun violence. For
29 example, a study by researchers at the Johns Hopkins Bloomberg
30 School of Public Health found that the estimated average rate of
31 officer-involved shootings increased by 12.9 percent in ten states
32 that relaxed restrictions between 2014 and 2020 on civilians
33 carrying concealed firearms in public. Accordingly, evidence
34 demonstrates that more guns on the streets can translate into more
35 acts of gun violence. To mitigate the impact of having more people
36 carrying guns in public places, steps must be taken to better ensure
37 that those who exercise the right to carry are responsible, law-
38 abiding, and appropriately trained individuals who would not pose
39 undue safety risks if armed in public places.

40 d. In Bruen, the Supreme Court recognized that states may
41 prohibit individuals who are not “law-abiding, responsible citizens”
42 from carrying firearms in public, and endorsed the use of “licensing
43 requirements for carrying a handgun for self-defense.” Although the
44 Court did not provide a complete list of lawful requirements, it
45 specifically cited a “background check, mental health check, training

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 underlined thus is new matter.

1 in firearms handling and in laws regarding the use of force, among
2 other possible requirements” as permissible. The purpose of these
3 checks, the Court explained, is to “ensure only that those bearing
4 arms in the jurisdiction are in fact, ‘law-abiding, responsible
5 citizens.’” It is thus important to bolster and improve the process in
6 this State for ensuring that only such individuals possess and carry
7 firearms. Toward that end, this act strengthens the criteria and
8 background investigation requirements that are used to determine
9 whether an applicant is qualified to carry a firearm in New Jersey.

10 e. This act also designates places in which the carrying of a
11 weapon is prohibited. Previously, application of the justifiable need
12 standard minimized the serious dangers of misuse and accidental
13 use inherent in the carrying of handguns in a public place. Given
14 the likelihood that a much greater number of individuals will now
15 qualify to carry handguns in public, it is now both necessary and
16 appropriate to clearly identify in the law those sensitive places
17 where, due to heightened public safety concerns, carrying a weapon
18 of any kind, including a handgun, is not permissible. These
19 prohibitions are based on common sense principles and historical
20 analogues.

21 f. Notwithstanding its rejection of a particularized need
22 standard, the Bruen decision recognizes that the carrying of
23 firearms in sensitive places can “be prohibited consistent with the
24 Second Amendment.” Indeed, the Court assumed it settled that
25 “laws forbidding the carrying of firearms in sensitive places such
26 as schools and government buildings,” as well other places such as
27 “legislative assemblies, polling places, and courthouses,” are
28 “longstanding” and not subject to disputes regarding their
29 constitutionality. The Court added that other “sensitive place”
30 regulations may be permissible if “consistent with the Second
31 Amendment’s text and historical understanding” – that is,
32 “relevantly similar” to historical analogues.

33 g. The sensitive-place prohibitions on dangerous weapons set
34 forth in this act are rooted in history and tradition. They are
35 analogous to historical laws that can be found from the Founding
36 era to Reconstruction, which are also found in modern laws in many
37 states. History and tradition support at least the following location-
38 based restrictions on carrying firearms:

39 (1) Places that are the site of core constitutional activity, such as
40 but not limited to the exercise of First Amendment rights, or that
41 are otherwise vital to the functioning of democracy and our system
42 of government. That includes prohibitions of firearms in facilities
43 within the criminal justice system;

44 (2) Schools, universities, other educational institutions, where
45 people assemble for educational purposes and for the purposes of
46 teaching, learning, research, and the pursuit of knowledge;

47 (3) Parks and other recreation spaces, including locations where
48 children congregate;

1 (4) Locations that protect vulnerable classes of people, such as
2 the young and the frail;

3 (5) Places where intoxicating substances are sold, places where
4 large groups of individuals congregate, and places where volatile
5 conditions may pose a threat to public safety; and

6 (6) Various forms of transportation and public infrastructure,
7 whose safety, security, and stability are critical to supporting social
8 function.

9 h. The historical record also supports restriction of firearm
10 possession on private property when the owner has not given their
11 consent. Many states require a property owner's permission before
12 another may enter private dwellings and private lands with a
13 firearm or other weapons. Requiring consent from the property
14 owner before carrying weapons onto private property is also in line
15 with both the reasonable expectations and property rights of New
16 Jersey property owners.

17 i. Additionally, the fees to obtain a firearms purchaser
18 identification permit or a permit to purchase a handgun in New
19 Jersey were initially set by statute over 50 years ago at \$5 and \$2,
20 respectively, and in over a half century the law has never been
21 changed to increase these fees, notwithstanding the impact of
22 inflation, increasing costs of background checks and related
23 investigations, and the investment made over the years to
24 technologically upgrade the firearms application and registration
25 system established and maintained by the New Jersey State Police.

26 j. Accordingly, the Legislature finds it is necessary and proper
27 to revise this State's procedural and substantive laws related to
28 firearms to update the process and the standards applicable to
29 firearm purchase and possession as well as our handgun carry law,
30 and to continue to promote public safety and reduce gun violence in
31 a manner consistent with the Second Amendment principles
32 articulated by the current Supreme Court jurisprudence. These
33 revisions will focus on factors other than the need or purpose a
34 person may assert as justification to carry a handgun, such as the
35 person's background and qualifications, with the ultimate goal of
36 keeping New Jersey streets and neighborhoods safe from gun
37 violence.

38

39 2. N.J.S.2C:58-3 is amended to read as follows:

40 2C:58-3. a. Permit to purchase a handgun.

41 (1) No person shall sell, give, transfer, assign or otherwise
42 dispose of, nor receive, purchase, or otherwise acquire a handgun
43 unless the purchaser, assignee, donee, receiver or holder is licensed
44 as a dealer under this chapter or has first secured a permit to
45 purchase a handgun as provided by this section.

46 (2) A person who is not a licensed retail dealer and sells, gives,
47 transfers, assigns, or otherwise disposes of, or receives, purchases

1 or otherwise acquires a handgun pursuant to this section shall
2 conduct the transaction through a licensed retail dealer.

3 The provisions of this paragraph shall not apply if the transaction
4 is:

5 (a) between members of an immediate family as defined in
6 subsection n. of this section;

7 (b) between law enforcement officers;

8 (c) between collectors of firearms or ammunition as curios or
9 relics as defined in Title 18, U.S.C. section 921 (a) (13) who have
10 in their possession a valid Collector of Curios and Relics License
11 issued by the Bureau of Alcohol, Tobacco, Firearms, and
12 Explosives; or

13 (d) a temporary transfer pursuant to section 1 of P.L.1992, c.74
14 (C.2C:58-3.1) or section 1 of P.L.1997, c.375 (C.2C:58-3.2).

15 (3) Prior to a transaction conducted pursuant to this subsection,
16 the retail dealer shall complete a National Instant Criminal
17 Background Check of the person acquiring the handgun. In
18 addition:

19 (a) the retail dealer shall submit to the Superintendent of State
20 Police, on a form approved by the superintendent, information
21 identifying and confirming the background check;

22 (b) every retail dealer shall maintain a record of transactions
23 conducted pursuant to this subsection, which shall be maintained at
24 the address displayed on the retail dealer's license for inspection by
25 a law enforcement officer during reasonable hours;

26 (c) a retail dealer may charge a fee for a transaction conducted
27 pursuant to this subsection; and

28 (d) any record produced pursuant to this subsection shall not be
29 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et
30 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

31 b. Firearms purchaser identification card.

32 (1) **[No]** A person shall not sell, give, transfer, assign or
33 otherwise dispose of nor receive, purchase or otherwise acquire an
34 antique cannon or a rifle or shotgun, other than an antique rifle or
35 shotgun, unless the purchaser, assignee, donee, receiver or holder is
36 licensed as a dealer under this chapter or possesses a valid firearms
37 purchaser identification card, and first exhibits the card to the seller,
38 donor, transferor or assignor, and unless the purchaser, assignee,
39 donee, receiver or holder signs a written certification, on a form
40 prescribed by the superintendent, which shall indicate that **[he]** the
41 person presently complies with the requirements of subsection c. of
42 this section and shall contain **[his]** the person's name, address and
43 firearms purchaser identification card number or dealer's
44 registration number. The certification shall be retained by the
45 seller, as provided in paragraph (4) of subsection a. of N.J.S.2C:58-
46 2, or, in the case of a person who is not a dealer, it may be filed
47 with the chief of police of the municipality in which **[he]** the
48 person resides or with the superintendent.

1 (2) A person who is not a licensed retail dealer and sells, gives,
2 transfers, assigns, or otherwise disposes of, or receives, purchases
3 or otherwise acquires an antique cannon or a rifle or shotgun
4 pursuant to this section shall conduct the transaction through a
5 licensed retail dealer.

6 The provisions of this paragraph shall not apply if the transaction
7 is:

8 (a) between members of an immediate family as defined in
9 subsection n. of this section;

10 (b) between law enforcement officers;

11 (c) between collectors of firearms or ammunition as curios or
12 relics as defined in Title 18, U.S.C. section 921 (a) (13) who have
13 in their possession a valid Collector of Curios and Relics License
14 issued by the Bureau of Alcohol, Tobacco, Firearms, and
15 Explosives; or

16 (d) a temporary transfer pursuant to section 1 of P.L.1992, c.74
17 (C.2C:58-3.1) and section 1 of P.L.1997, c.375 (C.2C:58-3.2).

18 (3) Prior to a transaction conducted pursuant to this subsection,
19 the retail dealer shall complete a National Instant Criminal
20 Background Check of the person acquiring an antique cannon or a
21 rifle or shotgun. In addition:

22 (a) the retail dealer shall submit to the Superintendent of State
23 Police, on a form approved by the superintendent, information
24 identifying and confirming the background check;

25 (b) every retail dealer shall maintain a record of transactions
26 conducted pursuant to this section which shall be maintained at the
27 address set forth on the retail dealer's license for inspection by a law
28 enforcement officer during reasonable hours;

29 (c) a retail dealer may charge a fee, not to exceed \$25, for a
30 transaction conducted pursuant to this subsection; and

31 (d) any record produced pursuant to this subsection shall not be
32 considered a public record pursuant to P.L.1963, c.73 (C.47:1A-1 et
33 seq.) or P.L.2001, c.404 (C.47:1A-5 et al.).

34 c. Who may obtain. **[No]** Except as hereinafter provided, a
35 person [of good character and good repute] shall not be denied a
36 permit to purchase a handgun or a firearms purchaser identification
37 card, unless the person is known in the community in which [he]
38 the person lives as someone who has engaged in acts or made
39 statements suggesting the person is likely to engage in conduct,
40 other than justified self-defense, that would pose a danger to self or
41 others, [and who] or is [not] subject to any of the disabilities set
42 forth in this section or other sections of this chapter [, shall be
43 denied a permit to purchase a handgun or a firearms purchaser
44 identification card, except as hereinafter set forth]. [No] A
45 handgun purchase permit or firearms purchaser identification card
46 shall not be issued:

- 1 (1) To any person who has been convicted of any crime, or a
2 disorderly persons offense involving an act of domestic violence as
3 defined in section 3 of P.L.1991, c.261 (C.2C:25-19), whether or
4 not armed with or possessing a weapon at the time of the offense;
- 5 (2) To any drug-dependent person as defined in section 2 of
6 P.L.1970, c.226 (C.24:21-2), to any person who is presently
7 confined for a mental disorder **【to a hospital, mental institution or**
8 **sanitarium】** as a voluntary admission as defined in section 2 of
9 P.L.1987, c.116 (C.30:4-27.2) or involuntarily committed to
10 inpatient or outpatient treatment pursuant to section 1 of P.L.1987,
11 c.116 (C.30:4-27.1), or to any person who is presently 【an habitual
12 drunkard】 an alcoholic, as defined by section 2 of P.L.1975, c.305
13 (C.26:2B-8);
- 14 (3) To any person who suffers from a physical defect or disease
15 which would make it unsafe for **【him】** that person to handle
16 firearms, **【to any person who has ever been confined for a mental**
17 **disorder,】** or to any alcoholic as defined by section 2 of P.L.1975,
18 c.305 (C.26:2B-8) unless any of the foregoing persons produces a
19 certificate of a medical doctor or psychiatrist licensed in New
20 Jersey, or other satisfactory proof, that 【he】 the person is no longer
21 suffering from that particular disability in a manner that would
22 interfere with or handicap **【him】** that person in the handling of
23 firearms; to any person who knowingly falsifies any information on
24 the application form for a handgun purchase permit or firearms
25 purchaser identification card;
- 26 (4) To any person under the age of 18 years for a firearms
27 purchaser identification card and to any person under the age of 21
28 years for a permit to purchase a handgun;
- 29 (5) To any person where the issuance would not be in the interest
30 of the public health, safety or welfare because the person is found to
31 be lacking the essential character of temperament necessary to be
32 entrusted with a firearm;
- 33 (6) To any person who is subject to or has violated a temporary
34 or final restraining order issued pursuant to the "Prevention of
35 Domestic Violence Act of 1991", P.L.1991, c.261 (C.2C:25-17 et
36 seq.) prohibiting the person from possessing any firearm or a
37 temporary or final domestic violence restraining order issued in
38 another jurisdiction prohibiting the person from possessing any
39 firearm;
- 40 (7) To any person who as a juvenile was adjudicated delinquent
41 for an offense which, if committed by an adult, would constitute a
42 crime and the offense involved the unlawful use or possession of a
43 weapon, explosive or destructive device or is enumerated in
44 subsection d. of section 2 of P.L.1997, c.117 (C.2C:43-7.2);
- 45 (8) To any person whose firearm is seized pursuant to the
46 "Prevention of Domestic Violence Act of 1991", P.L.1991, c.261
47 (C.2C:25-17 et seq.) and whose firearm has not been returned; or

1 (9) To any person named on the consolidated Terrorist Watchlist
2 maintained by the Terrorist Screening Center administered by the
3 Federal Bureau of Investigation;

4 (10) To any person who is subject to or has violated a court order
5 prohibiting the custody, control, ownership, purchase, possession,
6 or receipt of a firearm or ammunition issued pursuant to the
7 "Extreme Risk Protective Order Act of 2018", P.L.2018, c.35
8 (C.2C:58-20 et al.); or

9 (11) To any person who is subject to or has violated a court order
10 prohibiting the custody, control, ownership, purchase, possession,
11 or receipt of a firearm or ammunition issued pursuant to P.L.2021,
12 c.327 (C.2C:12-14 et al.);

13 (12) To any person who is subject to or has violated a temporary
14 or final restraining order issued pursuant to the "Sexual Assault
15 Survivor Protection Act of 2015," P.L.2015, c.147 (C.2C:14-13 et
16 al.);

17 (13) To any person who has previously been voluntarily admitted
18 or involuntarily committed to inpatient or outpatient treatment
19 pursuant to section 1 of P.L.1987, c.116 (C.30:4-27.1), unless the
20 court has expunged the person's record pursuant to P.L.1953, c.268
21 (C.30:4-80.8 et seq.);

22 (14) To any person who is subject to an outstanding arrest
23 warrant for an indictable crime in this State or for a felony, other
24 than a felony to which section 1 of P.L.2022, c.50 (C.2A:160-14.1)
25 would apply, in any other state or federal jurisdiction;

26 (15) To any person who is a fugitive from justice due to having
27 fled from any state or federal jurisdiction to avoid prosecution for a
28 crime, other than a crime to which section 1 of P.L.2022, c.50
29 (C.2A:160-14.1) would apply, or to avoid giving testimony in any
30 criminal proceeding; or

31 (16) To any person who has been convicted of more than one
32 crime of the fourth degree in violation of sections 4, 5, or 6 of
33 P.L. , c. (C.)(pending before the Legislature as this bill).

34 In order to obtain a permit to purchase a handgun or a firearms
35 purchaser identification card, the applicant shall demonstrate that,
36 within four years prior to the date of the application, the applicant
37 satisfactorily completed a course of instruction approved by the
38 superintendent in the lawful and safe handling and storage of
39 firearms. The applicant shall be required to demonstrate
40 completion of a course of instruction only once prior to obtaining
41 either a firearms purchaser identification card or the applicant's first
42 permit to purchase a handgun.

43 The applicant shall not be required to demonstrate completion of
44 a course of instruction in order to obtain any subsequent permit to
45 purchase a handgun, to replace an existing firearms purchaser
46 identification card, or to renew a firearms purchaser identification
47 card.

1 An applicant who is a law enforcement officer who has satisfied
2 the requirements of subsection j. of N.J.S.2C:39-6, a retired law
3 enforcement officer who has satisfied the requirements of
4 subsection l. of N.J.S.2C:39-6, or a veteran who was honorably
5 discharged as a member of the United States Armed Forces or
6 National Guard who received substantially equivalent training shall
7 not be required to complete the course of instruction required
8 pursuant to the provisions of this subsection.

9 A person who obtained a permit to purchase a handgun or a
10 firearms purchaser identification card prior to the effective date of
11 P.L.2022, c.58 shall not be required to complete a course of
12 instruction pursuant to this subsection.

13 d. Issuance. The chief of police of an organized full-time
14 police department of the municipality where the applicant resides or
15 the superintendent, in all other cases, shall upon application, issue
16 to any person qualified under the provisions of subsection c. of this
17 section a permit to purchase a handgun or a firearms purchaser
18 identification card.

19 A firearms purchaser identification card issued following the
20 effective date of P.L.2022, c.58 shall display a color photograph
21 and **【a thumb print】** be electronically linked to the fingerprints of
22 the card holder. A person who obtained a firearms purchaser
23 identification card prior to the effective date of P.L.2022, c.58 shall
24 not be required to obtain a firearm purchaser identification card that
25 displays a color photograph and **【a thumb print】** is electronically
26 linked to the fingerprints. The superintendent shall establish
27 guidelines as necessary to effectuate the issuance of firearms
28 purchaser identification cards that display a color photograph and
29 **【a thumb print】** which is electronically linked to the fingerprints of
30 the card holder.

31 The requirements of this subsection concerning firearms
32 purchaser identification cards issued following the effective date of
33 P.L.2022, c.58 shall remain inoperative until such time as the
34 superintendent establishes a system to produce cards that comply
35 with this requirement and, until such time, applicants issued a
36 firearms purchaser identification card shall be provided with cards
37 that do not conform to the requirements of this section, which shall
38 be afforded force and effect until such time as the system is
39 established and a compliant card is issued in accordance with this
40 subsection. An applicant issued a non-compliant firearms purchaser
41 identification card shall obtain a card, at no cost to the applicant,
42 which conforms to the requirements of this section no later than one
43 year after receiving notice that the system to produce cards that
44 comply with this requirement is operational.

45 If an application for a permit or identification card is denied, the
46 applicant shall be provided with a written statement of the reasons
47 for the denial. Any person aggrieved by the denial of a permit or
48 identification card may request a hearing in the Superior Court of

1 the county in which **[he]** the person resides if **[he]** the person is a
2 resident of New Jersey or in the Superior Court of the county in
3 which **[his]** the person's application was filed if **[he]** the person is
4 a nonresident. The request for a hearing shall be made in writing
5 within 30 days of the denial of the application for a permit or
6 identification card. The applicant shall serve a copy of **[his]** the
7 request for a hearing upon the chief of police of the municipality in
8 which he resides, if **[he]** the person is a resident of New Jersey, and
9 upon the superintendent in all cases. The hearing shall be held and
10 a record made thereof within **[30]** 60 days of the receipt of the
11 application for a hearing by the judge of the Superior Court. No
12 formal pleading and no filing fee shall be required as a preliminary
13 to a hearing. Appeals from the results of a hearing shall be in
14 accordance with law.

15 The Administrative Director of the Courts shall coordinate with
16 the superintendent in the development of an electronic filing system
17 to receive requests for hearings and serve the chief of police and
18 superintendent as required in this section.

19 e. Applications. Applications for permits to purchase a
20 handgun and for firearms purchaser identification cards shall be in
21 the form prescribed by the superintendent and shall set forth the
22 name, residence, place of business, age, date of birth, occupation,
23 **[sex]** any aliases or other names previously used by the applicant,
24 gender, and physical description, including distinguishing physical
25 characteristics, if any, of the applicant, and shall state whether the
26 applicant is a citizen, whether **[he]** the applicant is an alcoholic **[,**
27 habitual drunkard,] as defined in section 2 of P.L.1975, c. 305 (C.
28 26:2B-8) or is a drug-dependent person as defined in section 2 of
29 P.L.1970, c.226 (C.24:21-2), whether **[he]** the applicant has ever

30 been confined or committed to a mental institution or hospital for
31 treatment or observation of a mental or psychiatric condition on a
32 temporary, interim or permanent basis, giving the name and
33 location of the institution or hospital and the dates of confinement
34 or commitment, whether **[he]** the applicant has been attended,
35 treated or observed by any doctor or psychiatrist or at any hospital
36 or mental institution on an inpatient or outpatient basis for any
37 mental or psychiatric condition, giving the name and location of the
38 doctor, psychiatrist, hospital or institution and the dates of the
39 occurrence, whether **[he]** the applicant presently or ever has been a
40 member of any organization which advocates or approves the
41 commission of acts of force and violence to overthrow the
42 Government of the United States or of this State, or which seeks to
43 deny others their rights under the Constitution of either the United
44 States or the State of New Jersey, whether **[he]** the applicant has
45 ever been convicted of a crime or disorderly persons offense,
46 whether the **[person]** applicant is subject to a restraining order
47 issued pursuant to the "Prevention of Domestic Violence Act of

1 1991", P.L.1991, c.261 (C.2C:25-17 et seq.) prohibiting the
2 **[person]** applicant from possessing any firearm, whether the
3 **[person]** applicant is subject to a protective order issued pursuant
4 to the "Extreme Risk Protective Order Act of 2018", P.L.2018, c.35
5 (C.2C:58-20 et al.), whether the **[person]** applicant is subject to a
6 protective order issued pursuant to P.L.2021, c.327 (C.2C:12-14 et
7 al.) prohibiting the **[person]** applicant from possessing any firearm,
8 and other information as the superintendent shall deem necessary
9 for the proper enforcement of this chapter. For the purpose of
10 complying with this subsection, the applicant shall waive any
11 statutory or other right of confidentiality relating to institutional
12 confinement. The application shall be signed by the applicant and
13 shall contain as references the names and addresses of two
14 reputable citizens personally acquainted with **[him]** the applicant.

15 An application for a permit to purchase a handgun shall also
16 indicate, with respect to each handgun listed on the form, whether
17 the applicant is purchasing the handgun on the applicant's own
18 behalf or on behalf of a third party and shall specify that the
19 applicant is not an actual purchaser if the applicant is acquiring the
20 handgun on behalf of another person, unless otherwise permitted by
21 law.

22 Application blanks shall be obtainable from the superintendent,
23 from any other officer authorized to grant a permit or identification
24 card, and from licensed retail dealers, or shall be made available
25 through an online process established or made available by the
26 superintendent.

27 The chief police officer or the superintendent shall obtain the
28 fingerprints of the applicant and shall have them compared with any
29 and all records of fingerprints in the municipality and county in
30 which the applicant resides and also the records of the State Bureau
31 of Identification and the Federal Bureau of Investigation, provided
32 that an applicant for a handgun purchase permit who possesses a
33 valid firearms purchaser identification card, or who has previously
34 obtained a handgun purchase permit from the same licensing
35 authority for which **[he]** the applicant was previously fingerprinted,
36 and who provides other reasonably satisfactory proof of **[his]** the
37 applicant's identity, need not be fingerprinted again; however, the
38 chief police officer or the superintendent shall proceed to
39 investigate the application to determine whether or not the applicant
40 has become subject to any of the disabilities set forth in this
41 chapter.

42 f. Granting of permit or identification card; fee; term; renewal;
43 revocation. The application for the permit to purchase a handgun
44 together with a fee of **[\$2]** \$25, or the application for the firearms
45 purchaser identification card together with a fee of **[\$5]** \$50, shall
46 be delivered or forwarded to the licensing authority who, upon
47 determining that the application is complete, shall investigate the

1 same and, unless good cause for the denial thereof appears, shall
2 grant the permit or the identification card, or both, if application has
3 been made therefor, within 30 days from the date of receipt of the
4 completed application for residents of this State and within 45 days
5 for nonresident applicants. A permit to purchase a handgun shall be
6 valid for a period of 90 days from the date of issuance and may be
7 renewed by the issuing authority for good cause for an additional 90
8 days. A firearms purchaser identification card issued or renewed
9 after the effective date of P.L.2022, c.58 shall expire during the
10 tenth calendar year following its date of issuance and on the same
11 calendar day as the person's date of birth.

12 If the date of birth of the firearms purchaser identification card
13 holder does not correspond to a calendar day of the tenth calendar
14 year, the card shall expire on the last day of the birth month of the
15 card holder.

16 A firearms purchaser identification card issued pursuant to this
17 section may be renewed upon filing of a renewal application and
18 payment of the required fee, provided that the holder is not subject
19 to any of the disabilities set forth in subsection c. of this section and
20 complies with all other applicable requirements as set forth in
21 statute and regulation. If an application for renewal of a firearm
22 purchaser identification card is denied, the applicant shall be
23 provided with a written statement of the reasons for the denial. Any
24 person aggrieved by the denial of an application for renewal of a
25 firearm purchaser identification card may request a hearing in the
26 Superior Court of the county in which the person resides if the
27 person is a resident of New Jersey or in the Superior Court of the
28 county in which the person's application was filed if the person is a
29 nonresident. The request for a hearing shall be made in writing
30 within 30 days of the denial of the application for renewal of the
31 firearm purchaser identification card. The applicant shall serve a
32 copy of the request for a hearing upon the chief of police of the
33 municipality in which the applicant resides, if the person is a
34 resident of New Jersey, and upon the superintendent in all cases.
35 The hearing shall be held and a record made thereof within 60 days
36 of the receipt of the application for a hearing by the judge of the
37 Superior Court. A formal pleading and filing fee shall not be
38 required as a preliminary to a hearing. Appeals from the results of a
39 hearing shall be in accordance with law.

40 The Administrative Director of the Courts shall coordinate with
41 the superintendent in the development of an electronic filing system
42 to receive requests for hearings and serve the chief of police and
43 superintendent as required in this section.

44 A firearms purchaser identification card issued prior to the
45 effective date of P.L.2022, c.58 shall not expire.

46 A firearms purchaser identification card shall be void if the
47 holder becomes subject to any of the disabilities set forth in
48 subsection c. of this section, whereupon the card shall be returned

1 within five days by the holder to the superintendent, who shall then
2 advise the licensing authority. Failure of the holder to return the
3 firearms purchaser identification card to the superintendent within
4 the five days shall be an offense under subsection a. of N.J.S.2C:39-
5 10. Any firearms purchaser identification card may be revoked by
6 the Superior Court of the county wherein the card was issued, after
7 hearing upon notice, upon a finding that the holder thereof no
8 longer qualifies for the issuance of the permit. The county
9 prosecutor of any county, the chief police officer of any
10 municipality or any citizen may apply to the court at any time for
11 the revocation of the card.

12 There shall be no conditions or requirements added to the form
13 or content of the application, or required by the licensing authority
14 for the issuance or renewal of a permit or identification card, other
15 than those that are specifically set forth in this chapter.

16 g. Disposition of fees. All fees for permits shall be paid to the
17 State Treasury for deposit into the Victims of Crime Compensation
18 Office account if the permit is issued by the superintendent, to the
19 municipality if issued by the chief of police, and to the county
20 treasurer if issued by the judge of the Superior Court.

21 h. Form of permit; **【quadruplicate】** establishment of a web
22 portal; disposition of **【copies】** the completed information. (1)
23 Except as otherwise provided in paragraph (2) of this subsection,
24 the permit shall be in the form prescribed by the superintendent and
25 shall be issued to the applicant **【in quadruplicate】** electronically
26 through e-mail or the web portal established or designated for this
27 purpose by the superintendent or in such form or manner as may be
28 authorized by the superintendent. Prior to the time **【he】** the
29 applicant receives the handgun from the seller, the applicant shall
30 **【deliver】** provide to the seller an acknowledgement of the permit in
31 **【quadruplicate】** the form required under the process established by
32 the superintendent, and the seller shall complete all of the
33 information required on the **【form】** web portal. **【Within five days**
34 **of the date of the sale, the seller shall forward the original copy】**
35 This information shall be forwarded to the superintendent through
36 the web portal, or in such other manner as may be authorized by the
37 superintendent, and **【the second copy】** to the chief of police of the
38 municipality in which the purchaser resides, except that in a
39 municipality having no chief of police, **【the copy】** the information
40 shall be forwarded to the superintendent. The **【third copy shall then**
41 **be returned to the】** purchaser **【with the pistol or revolver】** shall
42 retain a copy of the completed information and the **【fourth copy**
43 **shall be kept by the】** seller shall retain a copy of the completed
44 information as a permanent record.

45 A transfer of a handgun between or among immediate family
46 members, law enforcement officers, or collectors of firearms or
47 ammunition as curios or relics shall be conducted via the web portal

1 established or designated by the superintendent, which shall include
2 among other things a certification that the seller and purchaser are
3 in fact immediate family members, law enforcement officers, or
4 collectors of firearms or ammunition as curios or relics.

5 (2) The requirements of this subsection concerning the delivery
6 and form of permit and disposition of copies shall not be applicable
7 when these functions may be completed by utilizing an electronic
8 system as described in paragraph (2) of subsection b. of
9 N.J.S.2C:58-2 or section 5 of P.L.2022, c.55 (C.2C:58-3.3a).

10 i. Restriction on number of firearms person may purchase.
11 Only one handgun shall be purchased or delivered on each permit
12 and no more than one handgun shall be purchased within any 30-
13 day period, but this limitation shall not apply to:

14 (1) a federal, State, or local law enforcement officer or agency
15 purchasing handguns for use by officers in the actual performance
16 of their law enforcement duties;

17 (2) a collector of handguns as curios or relics as defined in Title
18 18, United States Code, section 921 (a) (13) who has in **【his】** the
19 collector's possession a valid Collector of Curios and Relics
20 License issued by the federal Bureau of Alcohol, Tobacco, Firearms
21 and Explosives;

22 (3) transfers of handguns among licensed retail dealers,
23 registered wholesale dealers and registered manufacturers;

24 (4) transfers of handguns from any person to a licensed retail
25 dealer or a registered wholesale dealer or registered manufacturer;

26 (5) any transaction where the person has purchased a handgun
27 from a licensed retail dealer and has returned that handgun to the
28 dealer in exchange for another handgun within 30 days of the
29 original transaction, provided the retail dealer reports the exchange
30 transaction to the superintendent; or

31 (6) any transaction where the superintendent issues an exemption
32 from the prohibition in this subsection pursuant to the provisions of
33 section 4 of P.L.2009, c.186 (C.2C:58-3.4).

34 The provisions of this subsection shall not be construed to afford
35 or authorize any other exemption from the regulatory provisions
36 governing firearms set forth in chapter 39 and chapter 58 of Title
37 2C of the New Jersey Statutes;

38 A person shall not be restricted as to the number of rifles or
39 shotguns **【he】** the person may purchase, provided **【he】** the person
40 possesses a valid firearms purchaser identification card and
41 provided further that **【he】** the person signs the certification required
42 in subsection b. of this section for each transaction.

43 j. Firearms passing to heirs or legatees. Notwithstanding any
44 other provision of this section concerning the transfer, receipt or
45 acquisition of a firearm, a permit to purchase or a firearms
46 purchaser identification card shall not be required for the passing of
47 a firearm upon the death of an owner thereof to **【his】** the owner's
48 heir or legatee, whether the same be by testamentary bequest or by

1 the laws of intestacy. The person who shall so receive, or acquire
2 the firearm shall, however, be subject to all other provisions of this
3 chapter. If the heir or legatee of the firearm does not qualify to
4 possess or carry it, ~~he~~ the heir or legatee may retain ownership of
5 the firearm for the purpose of sale for a period not exceeding 180
6 days, or for a further limited period as may be approved by the chief
7 law enforcement officer of the municipality in which the heir or
8 legatee resides or the superintendent, provided that the firearm is in
9 the custody of the chief law enforcement officer of the municipality
10 or the superintendent during that period.

11 k. Sawed-off shotguns. Nothing in this section shall be
12 construed to authorize the purchase or possession of any sawed-off
13 shotgun.

14 l. Nothing in this section and in N.J.S.2C:58-2 shall apply to
15 the sale or purchase of a visual distress signalling device approved
16 by the United States Coast Guard, solely for possession on a private
17 or commercial aircraft or any boat; provided, however, that no
18 person under the age of 18 years shall purchase nor shall any person
19 sell to a person under the age of 18 years a visual distress signalling
20 device.

21 m. The provisions of subsections a. and b. of this section and
22 paragraphs (4) and (5) of subsection a. of N.J.S.2C:58-2 shall not
23 apply to the purchase of firearms by a law enforcement agency for
24 use by law enforcement officers in the actual performance of the
25 current or former judge's duties, which purchase may be made
26 directly from a manufacturer or from a licensed dealer located in
27 this State or any other state.

28 n. For the purposes of this section, "immediate family" means a
29 spouse, domestic partner as defined in section 3 of P.L.2003, c.246
30 (C.26:8A-3), partner in a civil union couple as defined in section 2
31 of P.L.2006, c.103 (C.37:1-29), parent, stepparent, grandparent,
32 sibling, stepsibling, child, stepchild, and grandchild, as related by
33 blood or by law.

34 o. Registration of handguns owned by new residents. Any
35 person who becomes a resident of this State following the effective
36 date of P.L.2022, c.52 and who transports into this State a firearm
37 that the person owned or acquired while residing in another state
38 shall apply for a firearm purchaser identification card within 60
39 days of becoming a New Jersey resident, and shall register any
40 handgun so transported into this State within 60 days as provided in
41 this subsection.

42 A person who registers a handgun pursuant to this subsection
43 shall complete a registration statement, which shall be in a form
44 prescribed by the superintendent. The information provided in the
45 registration statement shall include, but shall not be limited to, the
46 name and address of the person and the make, model, and serial
47 number of the handgun being registered. Each registration
48 statement shall be signed by the person, and the signature shall

1 constitute a representation of the accuracy of the information
2 contained in the registration statement.

3 The registration statement shall be submitted to the law
4 enforcement agency of the municipality in which the person resides
5 or, if the municipality does not have a municipal law enforcement
6 agency, any State Police station.

7 Within 60 days prior to the effective date of P.L.2022, c.52, the
8 superintendent shall prepare the form of registration statement as
9 described in this subsection and shall provide a suitable supply of
10 statements to each organized full-time municipal police department
11 and each State Police station.

12 A person who fails to apply for a firearm purchaser identification
13 card or register a handgun as required pursuant to this subsection
14 shall be granted 30 days to comply with the provisions of this
15 subsection. If the person does not comply within 30 days, the
16 person shall be liable to a civil penalty of \$250 for a first offense
17 and shall be guilty of a disorderly persons offense for a second or
18 subsequent offense.

19 If a person is in possession of multiple firearms or handguns in
20 violation of this subsection, the person shall be guilty of one
21 offense under this subsection provided the violation is a single
22 event.

23 The civil penalty shall be collected pursuant to the "Penalty
24 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.) in
25 a summary proceeding before the municipal court having
26 jurisdiction. A law enforcement officer having enforcement
27 authority in that municipality may issue a summons for a violation,
28 and may serve and execute all process with respect to the
29 enforcement of this subsection consistent with the Rules of Court.

30 (cf: P.L.2022, c.58, s.1)

31

32 3. N.J.S.2C:58-4 is amended to read as follows:

33 2C:58-4. a. Scope and duration of authority. Any person who
34 holds a valid permit to carry a handgun issued pursuant to this
35 section shall be authorized to carry a handgun in a holster concealed
36 on their person in all parts of this State, except as prohibited by
37 subsection e. of N.J.S.2C:39-5 and section 7 of P.L. , c. (C.)
38 (pending before Legislature as this bill). One permit shall be
39 sufficient for all handguns owned by the holder thereof, but the
40 permit shall apply only to a handgun carried by the actual and legal
41 holder of the permit and, except as otherwise provided in subsection
42 b. of section 6 of P.L. , c. (C.)(pending before the
43 Legislature as this bill), shall not be construed to authorize a holder
44 to carry a handgun openly, provided that a brief, incidental
45 exposure of a handgun while transferring it to or from a holster or
46 due to the shifting of the person's body position or clothing shall be
47 deemed a de minimis infraction within the contemplation of
48 N.J.S.2C:2-11.

1 All permits to carry handguns shall expire two years from the
2 date of issuance or, in the case of an employee of an armored car
3 company, upon termination of **[his]** the employee's employment by
4 the company occurring prior thereto whichever is earlier in time,
5 and they may thereafter be renewed every two years in the same
6 manner and subject to the same conditions as in the case of original
7 applications.

8 b. Application forms. All applications for permits to carry
9 handguns, and all applications for renewal of permits, shall be made
10 on the forms and in the manner prescribed by the superintendent.
11 Each application shall set forth the full name, date of birth, **[sex]**
12 gender, residence, occupation, place of business or employment,
13 any aliases or other names previously used by the applicant, and
14 physical description of the applicant, and any other information the
15 superintendent may prescribe for the determination of the
16 applicant's eligibility for a permit and for the proper enforcement of
17 this chapter. The application shall be signed by the applicant under
18 oath, and shall be **[indorsed]** endorsed by **[three]** not less than four
19 reputable persons who are not related by blood or by law to the
20 applicant and have known the applicant for at least three years
21 preceding the date of application, and who shall certify thereon that
22 the applicant [is a person of good moral character and behavior]
23 has not engaged in any acts or made any statements that suggest the
24 applicant is likely to engage in conduct, other than lawful self-
25 defense, that would pose a danger to the applicant or others. The
26 reputable persons also shall provide relevant information supporting
27 the certification, including the nature and extent of their
28 relationship with the applicant and information concerning their
29 knowledge of the applicant's use of drugs or alcohol.

30 c. Investigation and approval. Each application shall be
31 accompanied by a \$200 application fee and shall in the first
32 instance be submitted to the chief police officer of the municipality
33 in which the applicant resides, or to the superintendent **[,]** if: (1)
34 **[if]** the applicant is an employee of an armored car company
35 **[, or]** ; (2) **[if]** there is no chief police officer in the municipality
36 where the applicant resides **[, or]** ; (3) **[if]** the applicant does not
37 reside in this State; or (4) the applicant is a mayor or other elected
38 member of the municipal governing body.

39 In the case of an application made to the chief police officer of a
40 municipality, \$150 of the fee shall be retained by the municipality
41 and the remaining \$50 shall be forwarded to the superintendent.
42 The fee amount retained by the municipality shall be used to defray
43 the costs of investigation, administration, and processing of the
44 permit to carry handgun applications. Application fees made to the
45 superintendent shall be deposited into the Victims of Crime
46 Compensation Office account.

1 The chief police officer, or the superintendent, as the case may
2 be, shall determine whether the application is complete and, if so,
3 shall cause the fingerprints of the applicant to be taken and
4 compared with any and all records maintained by the municipality,
5 the county in which it is located, the State Bureau of Identification
6 and the Federal Bureau of Identification. **【He】** The chief police
7 officer or the superintendent, as the case may be, shall also determine
8 and record a complete description of each handgun the applicant
9 intends to carry. The chief police officer, or the superintendent, as
10 the case may be, shall interview the applicant and the persons
11 endorsing the application under subsection b. of this section, and
12 shall make inquiry concerning, and investigate to the extent
13 warranted, whether the applicant is likely to engage in conduct that
14 would result in harm to the applicant or others, including, but not
15 limited to, whether the applicant has any history of threats or acts of
16 violence by the applicant directed toward self or others or any
17 history of use, attempted use, or threatened use of physical force by
18 the applicant against another person, or other incidents implicating
19 the disqualifying criteria set forth in subsection c. of N.J.S.2C:58-3,
20 including but not limited to determining whether the applicant has
21 been subject to any recent arrests or criminal charges for
22 disqualifying crimes or has been experiencing any mental health
23 issues such as suicidal ideation or violent impulses, and the
24 applicant's use of drugs or alcohol.

25 The chief police officer or the superintendent may require such
26 other information from the applicant or any other person, including
27 but not limited to publicly available statements posted or published
28 online by the applicant, as the chief police officer or superintendent
29 deems reasonably necessary to conduct the review of the
30 application.

31 **【No】** An application shall not be approved by the chief police
32 officer or the superintendent unless the applicant demonstrates that
33 **【he】** the applicant is not subject to any of the disabilities set forth
34 in subsection c. of N.J.S.2C:58-3, that 【he】 the applicant is
35 thoroughly familiar with the safe handling and use of handguns,
36 including providing proof of completion of any training or
37 proficiency requirements established under the law, and that 【he
38 has a justifiable need to carry a handgun】 the applicant is in
39 compliance with the firearm carry liability insurance requirement of
40 section 4 of P.L. , c. (C.)(pending before the Legislature as this
41 bill).

42 **【Each application form shall be accompanied by a written**
43 **certification of justifiable need to carry a handgun, which shall be**
44 **under oath and, in the case of a private citizen, shall specify in**
45 **detail the urgent necessity for self-protection, as evidenced by**
46 **specific threats or previous attacks which demonstrate a special**
47 **danger to the applicant's life that cannot be avoided by means other**

1 than by issuance of a permit to carry a handgun. Where possible,
2 the applicant shall corroborate the existence of any specific threats
3 or previous attacks by reference to reports of the incidents to the
4 appropriate law enforcement agencies.

5 If **Once** the application is **[not approved]** deemed complete by
6 the chief police officer or the superintendent, if it is not approved
7 or denied by the chief police officer or the superintendent within
8 **[60]** 90 days of filing, it shall be deemed to have been approved
9 **[unless the applicant agrees]**; provided, however, the chief police
10 officer or the superintendent may, for good cause shown and upon
11 written notification to the applicant, extend by up to an additional
12 30 days the time period for which the application may be approved
13 or denied. The written notification sent to the applicant shall
14 provide a detailed explanation of the reasons for the extension. An
15 applicant also may agree in writing to an additional extension of
16 time [in writing] past the 120 day statutory time frame.

17 d. Issuance **[by Superior Court]** of permit; establishment of
18 web portal; disposition of completed information; fee. If the
19 application has been approved by the chief police officer or the
20 superintendent, as the case may be, the **[applicant shall forthwith**
21 **present it to the Superior Court of the county in which the applicant**
22 **resides, or to the Superior Court in any county where he intends to**
23 **carry a handgun, in the case of a nonresident or employee of an**
24 **armored car company. The court shall]** chief police officer or the
25 superintendent shall issue the permit to the applicant in the form
26 prescribed by the superintendent.

27 The permit shall be issued to the applicant electronically through
28 electronic mail or through the web portal established or designated
29 for this purpose by the superintendent, or in such form or manner as
30 may be authorized by the superintendent, if, but only if, [it is
31 satisfied] the chief police officer or superintendent determines that
32 the applicant:

33 (1) is a person **[of good character]** who has not engaged in any
34 acts or made any statements that suggest the applicant is likely to
35 engage in conduct, other than lawful self-defense, that would pose a
36 danger to the applicant or others and who is not subject to any of
37 the disabilities set forth in subsection c. of N.J.S.2C:58-3, [that he
38 is];

39 (2) is thoroughly familiar with the safe handling and use of
40 handguns [.] ; and [that he has a justifiable need to carry a
41 handgun in accordance with the provisions of subsection c. of this
42 section. The court may at its discretion issue a limited-type permit
43 which would restrict the applicant as to the types of handguns he
44 may carry and where and for what purposes the handguns may be
45 carried]

46 (3) has completed the training requirements established pursuant
47 to subsection g. of this section, provided that any requirement for

1 classroom instruction and target training shall not be required for a
2 renewal applicant who completed the instruction and training when
3 obtaining a permit to carry a handgun issued within the previous
4 two years; and

5 (4) is in compliance with the firearm carry liability insurance
6 requirement of section 4 of P.L. , c. (C.)(pending before the
7 Legislature as this bill).

8 At the time of issuance, the applicant shall pay to the county
9 clerk of the county where the permit was issued a permit fee of
10 ~~[\$20]~~ \$50.

11 e. Appeals from denial of applications. An applicant who is
12 denied a permit to carry a handgun shall be provided with a written
13 statement of the reasons for the denial. Any ~~[person]~~ applicant
14 aggrieved by the denial by the chief police officer or the
15 superintendent of approval for a permit to carry a handgun may
16 request a hearing in the Superior Court of the county in which ~~[he]~~
17 the applicant resides or in any county in which ~~[he]~~ the applicant
18 intends to carry a handgun, in the case of a nonresident, by filing a
19 written request for a hearing within 30 days of the denial. ~~[Copies]~~
20 The aggrieved applicant shall serve copies of the request ~~[shall be~~
21 ~~served]~~ upon the superintendent, the county prosecutor, and the
22 chief police officer of the municipality where the applicant resides,
23 if ~~[he]~~ the applicant is a resident of this State. The hearing shall be
24 held within ~~[30]~~ 60 days of the filing of the request, and no formal
25 pleading or filing fee shall be required. Appeals from the
26 determination at the hearing shall be in accordance with law and the
27 rules governing the courts of this State.

28 ~~[If the superintendent or chief police officer approves an~~
29 ~~application and the Superior Court denies the application and~~
30 ~~refuses to issue a permit, the applicant may appeal the denial in~~
31 ~~accordance with law and the rules governing the courts of this~~
32 ~~State.]~~

33 The Administrative Director of the Courts shall coordinate with
34 the superintendent in the development of an electronic filing system
35 to receive requests for hearings and serve the chief of police and
36 superintendent as required in this section.

37 f. Revocation of permits. Any permit issued under this section
38 shall be void at the time the holder thereof becomes subject to any
39 of the disabilities set forth in subsection c. of N.J.S.2C:58-3, and
40 the holder of a void permit shall immediately surrender the permit
41 to the superintendent who shall give notice to the licensing
42 authority.

43 Any permit may be revoked by the Superior Court, after hearing
44 upon notice to the holder, if the court finds that the holder is no
45 longer qualified for the issuance of a permit. The county prosecutor
46 of any county, the chief police officer of any municipality, the

1 superintendent, or any citizen may apply to the court at any time for
2 the revocation of any permit issued pursuant to this section.

3 g. Training requirement. (1) The superintendent shall establish
4 training requirements in the lawful and safe handling and storage of
5 firearms, which shall consist of an online course of instruction, in-
6 person classroom instruction, and target training administered by a
7 certified firearm instructor on a firing range approved by the
8 superintendent and on the list of approved ranges published on the
9 State Police website. The training shall include, but not be limited to,
10 demonstration of a level of proficiency in the use of a handgun in
11 such manner as required by the superintendent and training,
12 developed or approved in conjunction with the Police Training
13 Commission, on justification in the use of deadly force under State
14 law.

15 (2) A person who obtained a permit pursuant to this section prior to
16 the effective date of P.L. _____, c. _____ (C. _____) (pending before the
17 Legislature as this bill) shall comply with the training requirement
18 established pursuant to this subsection within 90 days following the
19 effective date of P.L. _____, c. _____ (C. _____) (pending before the Legislature
20 as this bill)

21 h. For purposes of this section, "holster" means a device or
22 sheath that secures a handgun which, at a minimum, is equipped
23 with a retention strap, conceals and protects the main body of the
24 firearm, maintains the firearm in a consistent and accessible
25 position, and renders the trigger covered and inaccessible while the
26 handgun is fully seated in the holster.

27 (cf: P.L.2018, c.37, s.1)

28

29 4. (New section) a. Every private citizen who carries a handgun
30 in public in this State shall maintain liability insurance coverage, under
31 provisions approved by the Commissioner of Banking and Insurance,
32 insuring against loss resulting from liability imposed by law for bodily
33 injury, death, and property damage sustained by any person arising out
34 of the ownership, maintenance, operation or use of a firearm carried in
35 public wherein such coverage shall be at least in:

36 (1) an amount or limit of \$100,000, exclusive of interest and costs,
37 on account of injury to, or death of, one person, in any one incident;

38 (2) an amount or limit, subject to such limit for any one person so
39 injured or killed, of \$300,000, exclusive of interest and costs, on
40 account of injury to or death of, more than one person, in any one
41 incident; and

42 (3) an amount or limit of \$25,000, exclusive of interest and costs,
43 for damage to property in any one incident.

44 b. Proof of insurance as required in subsection a. of this section
45 shall be produced and displayed by the person carrying a handgun in
46 public upon request to any law enforcement officer or to any person
47 who has suffered or makes a good faith claim to have suffered either

1 injury or property damage arising out of the ownership, maintenance,
2 operation or use of a firearm carried in public.

3 c. A violation of this section shall be a crime of the fourth degree
4 and shall constitute full and sufficient grounds for revocation of a
5 permit to carry a handgun issued pursuant to N.J.S.2C:58-4.

6
7 5. (New section) Safe carry requirements for authorized
8 holders of a permit to carry a handgun.

9 a. The holder of a permit to carry a handgun issued pursuant to
10 N.J.S.2C:58-4 shall not:

11 (1) use or consume alcohol, a cannabis item, or a controlled
12 substance while carrying a handgun;

13 (2) be under the influence of alcohol, cannabis, or a controlled
14 substance while carrying a handgun;

15 (3) carry a handgun in public outside of a holster or carry a
16 handgun in public in a holster that does not meet the requirements
17 of subsection g. of N.J.S.2C:58-4;

18 (4) carry more than two firearms under the permittee's control at
19 one time; or

20 (5) engage in an unjustified display of a handgun.

21 (6) if carrying a handgun in public, refuse to provide the
22 handgun to a law enforcement officer upon request for purposes of
23 inspecting the handgun.

24 A violation of this subsection shall be a crime of the fourth
25 degree, and any such violation shall constitute full and sufficient
26 grounds for revocation of a permit to carry a handgun issued
27 pursuant to N.J.S.2C:58-4.

28 b. The holder of a permit to carry a handgun issued pursuant to
29 N.J.S.2C:58-4, if stopped or detained by a law enforcement officer
30 while carrying a handgun in public, shall:

31 (1) immediately disclose to the law enforcement officer that they
32 are carrying a handgun; and

33 (2) display the permit to carry a handgun and proof of firearm
34 public carry liability insurance required pursuant to section 4 of
35 P.L. , c. (C.)(pending before the Legislature as this bill) upon
36 the request of the officer.

37 A violation of paragraph (1) of this section shall be a crime of
38 the fourth degree. A person who violates paragraph (2) of this
39 subsection shall be guilty of a disorderly persons offense for a first
40 offense and subject to a \$100 fine and a crime of the fourth degree
41 for a second or subsequent offense.

42
43 6. (New section) Requirements and restrictions on the lawful
44 carrying of a handgun in public.

45 In addition to any criminal penalties under subsection b. of
46 N.J.S.2C:39-5, section 7 of P.L. , c. (C.)(pending before the
47 Legislature as this bill), or any other law, it shall be a crime of the
48 fourth degree for any person in a public place:

1 a. to carry a handgun concealed on or about their person, except
2 as permitted in accordance with N.J.S.2C:39-6, without possessing on
3 their person a valid and lawfully issued permit to carry under
4 N.J.S.2C:58-4 and proof of firearm public carry liability insurance
5 required pursuant to section 4 of P.L. , c. (C.)(pending before the
6 Legislature as this bill); or

7 b. to carry a handgun openly, whether or not in possession of a
8 valid and lawfully issued permit to carry under N.J.S.2C:58-4 and
9 proof of handgun public carry liability insurance required pursuant to
10 section 4 of P.L. , c. (C.)(pending before the Legislature as this bill).

11

12 7. (New section) Places where the carrying of a weapon is
13 prohibited.

14 a. Except as otherwise provided in this section, it shall be a crime
15 of the third degree for any person, other than a person lawfully
16 carrying a firearm within the authorized scope of an exemption set
17 forth in N.J.S.2C:39-6 and only to the extent permitted by the entity
18 responsible for security at the place in question, to knowingly carry a
19 weapon, as defined in subsection r. of N.J.S.2C:39-1, in any of the
20 following places, including in or upon any part of the buildings,
21 grounds, or parking area of:

22 (1) a place owned, leased, or under the control of State, county or
23 municipal government used for the purpose of government
24 administration, including but not limited to police stations;

25 (2) a courthouse, courtroom, or any other premises used to conduct
26 judicial or court administrative proceedings or functions;

27 (3) a State, county, or municipal correctional or juvenile justice
28 facility, jail and any other place maintained by or for a governmental
29 entity for the detention of criminal suspects or offenders;

30 (4) a State-contracted half-way house;

31 (5) a location being used as a polling place during the conduct of an
32 election;

33 (6) within 100 feet of a place where a public gathering,
34 demonstration or event is held for which a government permit is
35 required, during the conduct of such gathering, demonstration or
36 event;

37 (7) a school, college, university or other educational institution, and
38 on any school bus;

39 (8) a child care facility or day care center;

40 (9) a nursery school, pre-school, zoo, or summer camp;

41 (10) a park, beach, recreation facility or area or playground owned
42 or controlled by a State, county or local government unit, or any part
43 of such a place, which is designated as a gun free zone by the
44 governing authority based on considerations of public safety;

45 (11) at youth sports events, as defined in N.J.S.5:17-1, during and
46 immediately preceding and following the conduct of the event;

47 (12) a publicly owned or leased library or museum;

- 1 (13) a shelter for the homeless, emergency shelter for the homeless,
2 basic center shelter program, shelter for homeless or runaway youth,
3 children's shelter, child care shelter, shelter for victims of domestic
4 violence, or any shelter under the control of the Juvenile Justice
5 Commission or the Department of Children and Families;
- 6 (14) a community residence for persons with developmental
7 disabilities, head injuries, or terminal illnesses, or any other residential
8 setting licensed by the Department of Human Services or Department
9 of Health;
- 10 (15) a bar or restaurant where alcohol is served, and any other site
11 or facility where alcohol is sold for consumption on the premises;
- 12 (16) a site or facility where cannabis is sold for consumption on the
13 premises;
- 14 (17) a privately or publicly owned and operated entertainment
15 facility within this State, including but not limited to a theater,
16 stadium, museum, arena, racetrack or other place where performances,
17 concerts, exhibits, games or contests are held;
- 18 (18) a casino and related facilities, including but not limited to
19 appurtenant hotels, retail premises, restaurant and bar facilities, and
20 entertainment and recreational venues located within the casino
21 property;
- 22 (19) a plant or operation that produces, converts, distributes or
23 stores energy or converts one form of energy to another;
- 24 (20) an airport or public transportation hub;
- 25 (21) a health care facility, including but not limited to a general
26 hospital, special hospital, mental hospital, public health center,
27 diagnostic center, treatment center, rehabilitation center, extended care
28 facility, skilled nursing home, nursing home, intermediate care facility,
29 tuberculosis hospital, chronic disease hospital, maternity hospital,
30 outpatient clinic, dispensary, assisted living center, home health care
31 agency or residential health care facility;
- 32 (22) a facility licensed or regulated by the Department of Human
33 Services or Department of Health, other than a health care facility, that
34 provides addiction or mental health treatment or support services;
- 35 (23) a public location being used for making motion picture or
36 television images for theatrical, commercial or educational purposes,
37 during the time such location is being used for that purpose;
- 38 (24) private property, including but not limited to residential,
39 commercial, industrial, agricultural, institutional or undeveloped
40 property, unless the owner has provided express consent or has posted
41 a sign indicating that it is permissible to carry on the premises a
42 concealed handgun with a valid and lawfully issued license under
43 N.J.S.2C:58-4; and
- 44 (25) any other place in which the carrying of a handgun is
45 prohibited by statute or rule or regulation promulgated by a federal or
46 State agency or by municipal ordinance or regulation.
- 47 b. (1) A person, other than a person lawfully carrying a firearm
48 within the authorized scope of an exemption set forth in subsection a.

1 or c. of N.J.S.2C:39-6, who is otherwise authorized under the law to
2 carry or transport a firearm shall not do so while in a vehicle in New
3 Jersey, unless the handgun is unloaded and contained in a closed and
4 securely fastened case, gunbox, or locked unloaded in the trunk of the
5 vehicle.

6 (2) A holder of a valid and lawfully issued permit to carry a
7 handgun shall not leave a handgun outside of their immediate
8 possession or control within a parked vehicle, unless the handgun is
9 unloaded and contained in a closed and securely fastened case, or
10 gunbox, and is not visible from outside of the vehicle, or is locked
11 unloaded in the trunk or storage area of the vehicle.

12 A violation of paragraph (1) or (2) of this subsection is a crime of
13 the fourth degree.

14 c. Notwithstanding the provisions of subsections a. and b. of this
15 section, the holder of a valid and lawfully issued permit to carry under
16 N.J.S.2C:58-4 who is otherwise prohibited under this section from
17 carrying a concealed firearm into the parking area of a prohibited
18 location specified in subsection a. of this section shall be permitted to:

19 (1) transport a concealed handgun or ammunition within a vehicle
20 into or out of the parking area, provided that the handgun is unloaded
21 and contained in a closed and securely fastened case, gunbox, or
22 locked unloaded in the trunk or storage area of the vehicle;

23 (2) store a handgun or ammunition within a locked lock box and
24 out of plain view within the vehicle in the parking area;

25 (3) transport a concealed handgun in the immediate area
26 surrounding their vehicle within a prohibited parking lot area only for
27 the limited purpose of storing or retrieving the handgun within a
28 locked lock box in the vehicle's trunk or other place inside the vehicle
29 that is out of plain view; and

30 (4) transport a concealed handgun from a vehicle parked within a
31 prohibited parking lot area to a place other than a prohibited place
32 enumerated in subsection a. of this section, provided that the person
33 immediately leaves the parking lot area and does not enter into or on
34 the grounds of the prohibited place with the handgun.

35 d. The holder of a valid and lawfully issued permit to carry under
36 N.J.S.2C:58-4 shall not be in violation of subsection a. of this section
37 while the holder is traveling along a public right-of-way that touches
38 or crosses any of the places enumerated in subsection a. of this section
39 if the concealed handgun is carried on their person in accordance with
40 the provisions of this act or is being transported in a vehicle by the
41 permit holder in accordance with all other applicable provisions of
42 law.

43 e. (1) Nothing in this act shall be construed to prohibit the holder
44 of a valid and lawfully issued permit under N.J.S.2C:58-4 who is
45 lawfully authorized to provide security at a place enumerated in
46 subsection a. of this section from carrying a firearm, openly or
47 concealed, provided that the authorization is set forth in writing, and

1 only to the extent permitted by the entity responsible for security at the
2 place in question.

3 (2) Unless otherwise required or prohibited by law, the owner or
4 entity in control of any place enumerated in subsection a. of this
5 section or owner or entity responsible for providing security may allow
6 or prohibit retired law enforcement officers who are authorized to
7 possess and carry a handgun pursuant to subsection l. of N.J.S.2C:39-6
8 or qualified retired law enforcement officers within the meaning of
9 the federal "Law Enforcement Officers Safety Act of 2004," Pub.L.
10 108-277 to carry a concealed handgun on the premises of such place.

11 f. Nothing in this section shall prohibit the carrying of a firearm
12 where it is otherwise expressly authorized by law.

13
14 8. (New section) A person purchasing a firearm or firearm
15 ammunition shall be required to disclose in a written document under
16 penalty, on a form prescribed by the superintendent, whether the
17 firearm or ammunition to be purchased is intended to be transferred to
18 a third party, and the name and address of that third party, if known.

19
20 9. (New section) Notwithstanding any provision of the
21 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)
22 to the contrary, the Superintendent of State Police may adopt
23 immediately upon filing with the Office of Administrative Law such
24 regulations as the Superintendent deems necessary to implement the
25 provisions of this act, which shall be effective for a period not to
26 exceed 18 months, and may thereafter be amended, adopted, or
27 readopted by the Superintendent in accordance with the requirements
28 of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
29 et seq.).

30
31 10. Sections 2 and 7 of this act shall take effect immediately,
32 section 8 of this act shall take effect on the first day of second month
33 next following the date of enactment, and the remainder of this act
34 shall take effect on the first day of the seventh month next following
35 the date of enactment, but the Attorney General, Superintendent of
36 State Police, and Commissioner of Banking and Insurance may take
37 such anticipatory action as is necessary for the implementation of
38 this act.

39
40

41 STATEMENT

42
43

44 This bill removes from current law the justifiable need standard,
45 which is necessary to hold a permit to carry a handgun in this State,
46 in accordance with a recent decision of the United States Supreme
47 Court in New York State Rifle & Pistol Association v Bruen. In
48 addition, the bill establishes certain criteria for obtaining a permit to
carry a handgun and codifies certain venues at which the right to

1 carry firearms would be restricted due to security and safety
2 concerns.

3 Under current law, in order to lawfully carry a handgun in
4 public, it is necessary for a private citizen to obtain a permit to
5 carry a handgun. Applicants for a permit to carry a handgun need
6 the approval of the chief of police in the municipality where they
7 reside and the approval of a Superior Court judge in the county
8 where they reside. Approval is contingent upon a person submitting,
9 along with the application, a written certification establishing
10 justifiable need. Justifiable need is defined as the urgent necessity
11 for self-protection, as evidenced by specific threats or previous
12 attacks which demonstrate a special danger to the applicant's life
13 that cannot be avoided by means other than by issuance of a permit
14 to carry a handgun. This bill eliminates the justifiable need
15 standard.

16 The bill also expands the disqualifying criteria that would
17 prohibit a person from obtaining a firearm purchaser identification
18 card (FPIC), permit to purchase a handgun (PPH), or permit to carry
19 a handgun. Under current law, a person who receives these
20 documents is required to be of "good character" and "good repute" in
21 the community and not subject to any of the disqualifying criteria
22 listed in subsection c. of N.J.S.2C:58-3. The bill expands the list of
23 disqualifying criteria to include:

- 24 • persons presently confined for a mental disorder as a voluntary
25 admission or involuntary commitment for inpatient or
26 outpatient treatment;
- 27 • persons who have violated a temporary or final restraining
28 order issued pursuant to the "Prevention of Domestic
29 Violence Act of 1991" or a temporary or final domestic
30 violence restraining order issued in another jurisdiction
31 prohibiting the person from possessing any firearm;
- 32 • persons who are subject to or have violated a temporary or
33 final restraining order issued pursuant to the "Sexual Assault
34 Survivor Protection Act of 2015";
- 35 • persons who have previously been voluntarily admitted or
36 involuntarily committed to inpatient or outpatient mental health
37 treatment, unless the court has expunged the person's record;
- 38 • persons who are subject to an outstanding arrest warrant for an
39 indictable crime in this State or for a felony in any other state
40 or federal jurisdiction. This provision would not include
41 individuals seeking reproductive health care services in this
42 State;
- 43 • persons who are a fugitive from justice due to having fled from
44 any state or federal jurisdiction to avoid prosecution for a crime
45 or to avoid giving testimony in any criminal proceeding. This
46 provision would not include individuals seeking reproductive
47 health care services in this State; and

- 1 • persons who are convicted of a fourth degree crime for
2 violating the handgun carry requirements established under the
3 bill.

4 The bill also makes several changes to the procedure for applying
5 for an FPIC or PPH. Under the bill, an applicant would be required to
6 provide any aliases or other names previously used by the applicant.
7 A PPH applicant also would be required to indicate, with respect to
8 each handgun listed on the form, whether the applicant is purchasing
9 the handgun on the applicant's own behalf or on behalf of a third
10 party. In addition, the bill increases the fee to obtain an FPIC from
11 two dollars to \$25. The fee for the PPH would be increased from
12 five dollars to \$50.

13 In addition, this bill renders a recent enactment (P.L.2022, c.58),
14 which requires FPICs to display a picture and thumb print,
15 inoperative until the Superintendent of State Police establishes a
16 system for issuing these cards. The bill also clarifies that the FPIC
17 would be electronically linked to the fingerprints of the card holder,
18 rather than displaying a thumb print.

19 The bill also codifies the electronic method for reporting
20 handgun sales. Under current law, the PPH is issued as a
21 quadruplicate document. A firearm retailer is required to complete
22 all four of the documents prior to selling a handgun and send the
23 first copy to Superintendent of State Police and the second copy to
24 the chief of police of the municipality in which the purchaser
25 resides. The third copy is retained by the retail dealer and may be
26 subject to inspection by law enforcement at any reasonable time.
27 The purchaser retains the fourth copy as a permanent record. This
28 bill codifies the current procedure established by the State Police,
29 which established a web portal for electronically reporting handgun
30 sales. The bill also requires that handgun transfers between or
31 among immediate family members, law enforcement officers, or
32 collectors of firearms or ammunition as curios or relics are to be
33 conducted via the web portal.

34 In addition, the bill revises the application process for obtaining
35 a permit to carry a handgun. Under current law, a person applying
36 for a permit to carry a handgun is required to provide endorsements
37 from three people who have known the applicant for at least three
38 years and can attest that he or she is of good moral character and
39 behavior. The bill requires an applicant to provide endorsements
40 from five people who are unrelated to the applicant. The persons
41 providing the endorsement are to provide relevant information,
42 including the nature and extent of their relationship with the
43 applicant and information concerning their knowledge of the
44 applicant's use of drugs or alcohol. The bill also requires the chief
45 of police or superintendent, as appropriate, to interview the
46 applicant and persons providing the endorsement. The interviewer
47 is to inquire whether the applicant is likely to engage in conduct
48 that would result in harm to the applicant or others. Additionally,

1 the interviewer is to inquire whether the applicant has any history of
2 threats or acts of violence by the applicant directed toward self or
3 others or any history of use, attempted use, or threatened use of
4 physical force by the applicant against another person, or other
5 incidents implicating the criteria that would disqualify a person
6 from obtaining a FPIC or PPH. The chief of police or the
7 superintendent also may require information from the applicant or
8 any other person pertaining to publicly available statements posted
9 or published online by the applicant. The bill also extends the time
10 frame which the superintendent or chief of police is required to
11 approve or deny an application for a permit to carry a handgun
12 application from 60 to 90 days.

13 The bill also requires the Superintendent of State Police to
14 establish a training requirement in the lawful and safe handling and
15 storage of firearms for persons who obtain a permit to carry a
16 handgun. The training requirement is to consist of an online course
17 of instruction, in-person classroom instruction, and target training.
18 The training is to include, but not be limited to, demonstration of a
19 level of proficiency in the use of a handgun in such manner as
20 required by the superintendent and training on justification in the
21 use of deadly force under State law. The bill requires the training to
22 include demonstration of a level of proficiency in the use of a
23 handgun in a manner as may be required by the superintendent and
24 training on justification in the use of deadly force under State law.
25 A person who obtained a permit to carry a handgun prior to the
26 bill's effective date would be required to complete the classroom
27 instruction and target training within 90 days of the bill's effective
28 date.

29 In addition, the application fee for the permit to carry a handgun
30 would be \$200. In the case of an application made to the chief
31 police officer of a municipality, \$150 of the fee is to be retained by
32 the municipality and the remaining \$50 is to be forwarded to the
33 superintendent. The fee amount retained by the municipality is to
34 be used to defray the costs of investigation, administration, and
35 processing of the permit to carry handgun applications. Application
36 fees made to the superintendent are to be deposited into the Victims
37 of Crime Compensation Office account. The bill also provides that
38 mayors and elected members of a municipal governing body are to
39 apply to the superintendent, rather than the chief law enforcement
40 officer, when applying for a permit to carry a handgun.

41 Under the bill, the permit would be issued to the applicant
42 electronically through email or through the web portal established
43 or designated for this purpose by the superintendent, or in such
44 form or manner as may be authorized by the superintendent. Prior
45 to issuing the permit, the chief of police or superintendent is
46 required to determine whether:

- 1 • the applicant is a person of good character who is not subject
- 2 to any of the disabilities prohibiting the person from
- 3 purchasing a firearm;
- 4 • has not been convicted of a crime of the fourth degree in
- 5 violation of the carry permit requirements established by the
- 6 bill;
- 7 • is thoroughly familiar with the safe handling and use of
- 8 handguns; and
- 9 • is in compliance with the firearm carry liability insurance
- 10 established by the bill.

11 The bill requires a private citizen who obtains a carry permit to
12 obtain public carry liability insurance. The bill requires the liability
13 insurance coverage to insure against loss resulting from liability
14 imposed by law for bodily injury, death, and property damage
15 sustained by any person arising out of the ownership, maintenance,
16 operation or use of a firearm carried in public. The bill requires the
17 coverage to be at least in:

- 18 • an amount or limit of \$100,000, exclusive of interest and
- 19 costs, on account of injury to, or death of, one person, in
- 20 any one incident;
- 21 • an amount or limit, subject to such limit for any one person
- 22 so injured or killed, of \$300,000, exclusive of interest and
- 23 costs, on account of injury to or death of, more than one
- 24 person, in any one incident; and
- 25 • an amount or limit of \$25,000, exclusive of interest and
- 26 costs, for damage to property in any one incident.

27 The holder of a permit to carry a handgun would be required to
28 produce and display proof of insurance upon request to any law
29 enforcement officer or to any person who has suffered or claims to
30 have suffered either injury or property damage arising out of the
31 ownership, maintenance, operation or use of a firearm carried in
32 public.

33 In addition, the bill requires persons who obtain a permit to carry a
34 handgun to adhere to certain requirements. Under the bill, a person
35 with a carry permit would be prohibited from:

- 36 • using or consuming alcohol, a cannabis item, or a controlled
- 37 substance while carrying a handgun;
- 38 • being under the influence of alcohol, cannabis, or a
- 39 controlled substance while carrying a handgun;
- 40 • carrying a handgun not authorized under the permit;
- 41 • carrying a handgun outside of a holster or in an unauthorized
- 42 holster;
- 43 • carrying more than two firearms under the permittee's
- 44 control at one time;
- 45 • engaging in an unjustified display of a handgun;

- 1 • if carrying a handgun in public, failing to display the permit
- 2 to carry a handgun and proof of firearm public carry liability
- 3 insurance upon request of a law enforcement officer; or
- 4 • if carrying a handgun in public, refusing to provide the
- 5 handgun to a law enforcement officer upon request for
- 6 purposes of inspecting the handgun.

7 A person who violates these requirements would be guilty of a

8 crime of the fourth degree. A violation also may serve as sufficient

9 grounds for revocation of a permit to carry a handgun.

10 The bill provides that when stopped by a law enforcement officer a

11 permit holder would be required to immediately disclose to the officer

12 that the permit holder is carrying a handgun in public and display

13 proof of liability insurance. A person who fails to disclose to a law

14 enforcement officer that they are carry a handgun would be guilty of a

15 fourth degree crime. A person who fails to display proof of firearm

16 public carry liability insurance would be guilty of a disorderly persons

17 offense and subject to a \$100 fine and guilty of a crime of the fourth

18 degree for a second or subsequent offense.

19 The bill also delineates places in which a permit holder would be

20 prohibited from carrying a handgun. Under the bill, it would be a third

21 degree crime to carry any firearm or weapon in the following

22 locations:

- 23 • a place owned, leased, or under the control of State, county, or
- 24 municipal government used for the purpose of government
- 25 administration, including but not limited to police stations;
- 26 • a courthouse, courtroom, or any other premises used to conduct
- 27 judicial or court administrative proceedings or functions;
- 28 • a State, county, or municipal correctional or juvenile justice
- 29 facility, jail and any other place maintained by or for a
- 30 governmental entity for the detention of criminal suspects or
- 31 offenders;
- 32 • a State-contracted half-way house;
- 33 • a location being used as a polling place during the conduct of
- 34 an election;
- 35 • a place where a public gathering, demonstration, or event is
- 36 held for which a government permit is required, during the
- 37 conduct of such gathering, demonstration, or event;
- 38 • a school, college, university, or other educational institution
- 39 and on any school bus;
- 40 • a child care facility or day care center;
- 41 • a nursery school, pre-school, zoo, or summer camp;
- 42 • a park, beach, recreation facility, or area or playground owned
- 43 or controlled by a State, county or local government unit;
- 44 • at youth sports events during and immediately preceding and
- 45 following the conduct of the event;
- 46 • a publicly owned or leased library or museum;

- 1 • a shelter for the homeless, emergency shelter for the homeless,
2 basic center shelter program, shelter for homeless or runaway
3 youth, children’s shelter, child care shelter, shelter for victims
4 of domestic violence, or any shelter under the control of the
5 Juvenile Justice Commission or the Department of Children
6 and Families;
- 7 • a community residence for persons with developmental
8 disabilities, head injuries, or terminal illnesses, or any other
9 residential setting licensed by the Department of Human
10 Services or Department of Health;
- 11 • a bar or restaurant where alcohol is served, and any other site
12 or facility where alcohol is sold for consumption on the
13 premises;
- 14 • a site or facility where cannabis is sold for consumption on the
15 premises;
- 16 • a privately or publicly owned and operated entertainment
17 facility within this State, including but not limited to a theater,
18 stadium, museum, arena, racetrack, or other place where
19 performances, concerts, exhibits, games, or contests are held;
- 20 • a casino and related facilities, including but not limited to
21 appurtenant hotels, retail premises, restaurant, and bar
22 facilities, and entertainment and recreational venues located
23 within the casino property;
- 24 • a plant or operation that produces, converts, distributes, or
25 stores energy or converts one form of energy to another;
- 26 • an airport or public transportation hub;
- 27 • a health care facility and any facility licensed or regulated by
28 the Department of Human Services or Department of Health,
29 other than a health care facility, that provides addiction or
30 mental health treatment or support services;
- 31 • a public location being used for making motion picture or
32 television images for theatrical, commercial or educational
33 purposes, during the time such location is being used for that
34 purpose;
- 35 • private property, including but not limited to residential,
36 commercial, industrial, agricultural, institutional, or
37 undeveloped property, unless the owner has provided express
38 consent or has posted a sign indicating that it is permissible to
39 carry on the premises a concealed handgun with a valid and
40 lawfully issued permit to carry; and
- 41 • any other place in which the carrying of a handgun is
42 prohibited by statute or rule or regulation promulgated by a
43 federal or State agency or by municipal ordinance or
44 regulation.

45 The bill also requires the holder of a permit to carry a handgun to
46 adhere to certain requirements while transporting the handgun in a
47 vehicle.

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1 Finally, the bill requires a person purchasing a firearm or firearm
2 ammunition to disclose in a written document under penalty of perjury
3 whether the firearm or ammunition to be purchased is intended to be
4 transferred to a third party, and the name and address of the third
5 party, if known.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR SENATE, No. 3214

STATE OF NEW JERSEY

DATED: OCTOBER 27, 2022

The Senate Law and Public Safety Committee reports favorably a Senate Committee Substitute for Senate Bill No. 3214.

This Senate Committee Substitute removes from current law the justifiable need standard, which is the standard an individual is required to meet to hold a permit to carry a handgun in this State, in accordance with a recent decision of the United States Supreme Court in New York State Rifle & Pistol Association v. Bruen. In addition, the committee substitute establishes certain criteria for obtaining a permit to carry a handgun and codifies certain venues at which the right to carry firearms and certain destructive devices would be restricted due to security and safety concerns.

Under current law, in order to lawfully carry a handgun in public, it is necessary for a private citizen to obtain a permit to carry a handgun. Applicants for a permit to carry a handgun need the approval of the chief of police in the municipality where they reside and the approval of a Superior Court judge in the county where they reside. Approval is contingent upon a person submitting, along with the application, a written certification establishing justifiable need. Justifiable need is defined as the urgent necessity for self-protection, as evidenced by specific threats or previous attacks which demonstrate a special danger to the applicant's life that cannot be avoided by means other than by issuance of a permit to carry a handgun. This committee substitute eliminates the justifiable need standard.

The committee substitute also expands the disqualifying criteria that would prohibit a person from obtaining a firearms purchaser identification card (FPIC), permit to purchase a handgun (PPH), or permit to carry a handgun. Under current law, a person who receives these documents is required to be of "good character" and "good repute" in the community and not subject to any of the disqualifying criteria listed in subsection c. of N.J.S.2C:58-3. This committee substitute removes the "good character" and "good repute" criteria and revises the standard to require the issuance of an FPIC or PPH, unless the applicant is known in the community in which the person lives as someone who has engaged in acts or made statements suggesting the person is likely to engage in conduct, other than justified self-defense, that would pose a danger to self or others, or is subject to any of the disabilities set forth in current

law. The committee substitute expands the list of disqualifying criteria to include:

- persons presently confined for a mental disorder as a voluntary admission or involuntary commitment for inpatient or outpatient treatment;
- persons who have violated a temporary or final restraining order issued pursuant to the “Prevention of Domestic Violence Act of 1991” or a temporary or final domestic violence restraining order issued in another jurisdiction prohibiting the person from possessing any firearm;
- persons who are subject to or have violated a temporary or final restraining order issued pursuant to the “Sexual Assault Survivor Protection Act of 2015”;
- persons who have previously been voluntarily admitted or involuntarily committed to inpatient or outpatient mental health treatment, unless the court has expunged the person’s record;
- persons who are subject to an outstanding arrest warrant for an indictable crime in this State or for a felony in any other state or federal jurisdiction. This provision would not include individuals seeking reproductive health care services in this State;
- persons who are a fugitive from justice due to having fled from any state or federal jurisdiction to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding. This provision would not include individuals seeking reproductive health care services in this State; and
- persons who are convicted of a fourth degree crime for violating the handgun carry requirements established under the committee substitute.

The committee substitute also makes several changes to the procedure for applying for an FPIC or PPH. Under the committee substitute, an applicant would be required to provide any aliases or other names previously used by the applicant. A PPH applicant also would be required to certify with respect to each handgun listed on the form, whether the applicant is purchasing the handgun on the applicant’s own behalf or, if not, on behalf of a third party. In addition, the committee substitute increases the fee to obtain an FPIC from two dollars to \$25. The fee for the PPH would be increased from five dollars to \$50.

In addition, this committee substitute renders a recent enactment (P.L.2022, c.58), which requires FPICs to display a picture and thumb print, inoperative until the Superintendent of State Police establishes a system for issuing these cards. The committee substitute also clarifies that the FPIC would be electronically linked to the fingerprints of the card holder, rather than displaying a thumb print.

The committee substitute also codifies the electronic method for reporting handgun sales. Under current law, the PPH is issued as a

quadruplicate document. A firearm retailer is required to complete all four of the documents prior to selling a handgun and send the first copy to the Superintendent of State Police and the second copy to the chief of police of the municipality in which the purchaser resides. The third copy is retained by the retail dealer and may be subject to inspection by law enforcement at any reasonable time. The purchaser retains the fourth copy as a permanent record. This committee substitute codifies the current procedure established by the State Police, which established a web portal for electronically reporting handgun sales. The committee substitute also requires that handgun transfers between or among immediate family members, law enforcement officers, or collectors of firearms or ammunition as curios or relics are to be conducted via the web portal.

In addition, the committee substitute revises the application process for obtaining a permit to carry a handgun. Under current law, a person applying for a permit to carry a handgun is required to provide endorsements from three people who have known the applicant for at least three years and can attest that he or she is of good moral character and behavior. The committee substitute requires an applicant to provide endorsements from four people who are unrelated to the applicant. The persons providing the endorsement are to provide relevant information, including the nature and extent of their relationship with the applicant and information concerning their knowledge of the applicant's use of drugs or alcohol. The committee substitute also requires the chief of police or superintendent, as appropriate, to interview the applicant and persons providing the endorsement. The interviewer is to inquire whether the applicant is likely to engage in conduct that would result in harm to the applicant or others. Additionally, the interviewer is to inquire whether the applicant has any history of threats or acts of violence by the applicant directed toward self or others or any history of use, attempted use, or threatened use of physical force by the applicant against another person, or other incidents implicating the criteria that would disqualify a person from obtaining an FPIC or PPH. The chief of police or the superintendent also may require information from the applicant or any other person pertaining to publicly available statements posted or published online by the applicant. The committee substitute extends from 60 to 90 days the time frame which the superintendent or chief of police is required to approve or deny an application for a permit to carry a handgun.

The committee substitute also requires the Superintendent of State Police to establish a training requirement in the lawful and safe handling and storage of firearms for persons who obtain a permit to carry a handgun. The training requirement is to consist of an online course of instruction, in-person classroom instruction, and target training. The committee substitute requires the training to include demonstration of a level of proficiency in the use of a handgun in a

manner as may be required by the superintendent and training on justification in the use of deadly force under State law. A person who obtained a permit to carry a handgun prior to the committee substitute's effective date would be required to complete the classroom instruction and target training within 90 days of the committee substitute's effective date.

The application fee for the permit to carry a handgun would be \$200 under the substitute. In the case of an application made to the chief police officer of a municipality, \$150 of the fee is to be retained by the municipality and the remaining \$50 is to be forwarded to the superintendent. The fee amount retained by the municipality is to be used to defray the costs of investigation, administration, and processing of the permit to carry handgun applications. Application fees made to the superintendent are to be deposited into the Victims of Crime Compensation Office account. The committee substitute also provides that mayors and elected members of a municipal governing body are to apply to the superintendent, rather than the chief law enforcement officer, when applying for a permit to carry a handgun. In addition, the committee substitute allows the superintendent or chief law enforcement officer to solicit such other identification information as may be authorized by the superintendent to conduct a comparable criminal history records check for applicants who have already undergone a criminal history records check in the course of obtaining a FPIC or PPH.

Under the committee substitute, the permit would be issued to the applicant electronically through email or through the web portal established or designated for this purpose by the superintendent, or in such form or manner as may be authorized by the superintendent. Prior to issuing the permit, the chief of police or superintendent is required to determine whether the applicant:

- has not engaged in any acts or made any statements that suggest the applicant is likely to engage in conduct, other than lawful self-defense, that would pose a danger to the applicant or others and who is not subject to any of the disabilities prohibiting the applicant from purchasing a firearm;
- thoroughly familiar with the safe handling and use of handguns;
- has completed the training requirements established by the committee substitute; and
- in in compliance with the liability insurance requirements established by the committee substitute.

The committee substitute requires a private citizen who obtains a carry permit to obtain liability insurance. Under the committee substitute, applications for a permit to carry handguns are to include proof of liability insurance coverage and a certification that the applicant will maintain the insurance coverage for the duration of the

permit. The committee substitute requires the liability insurance coverage to insure against loss resulting from liability imposed by law for bodily injury, death, and property damage sustained by any person arising out of the ownership, maintenance, operation or use of a firearm carried in public. The committee substitute requires the insurance coverage to be at least in:

- an amount or limit of \$100,000, exclusive of interest and costs, on account of injury to, or death of, one person, in any one incident;
- an amount or limit, subject to such limit for any one person so injured or killed, of \$300,000, exclusive of interest and costs, on account of injury to, or death of, more than one person, in any one incident; and
- an amount or limit of \$25,000, exclusive of interest and costs, for damage to property in any one incident.

The holder of a permit to carry a handgun would be required to produce proof of liability insurance within a reasonable amount of time following any injury, death, or property damage alleged to have been caused by the person carrying the handgun in public.

In addition, the committee substitute requires persons who obtain a permit to carry a handgun to adhere to certain requirements. Under the committee substitute, a person with a carry permit would be prohibited from:

- using or consuming alcohol, a cannabis item, or a controlled substance while carrying a handgun;
- being under the influence of alcohol, cannabis, or a controlled substance while carrying a handgun;
- carrying a handgun outside of a holster or in an unauthorized holster;
- carrying more than two firearms under the permittee's control at one time; or
- engaging in an unjustified display of a handgun.

A person who violates these requirements would be guilty of a crime of the fourth degree. A violation also may serve as sufficient grounds for revocation of a permit to carry a handgun.

The committee substitute provides that a permit holder, when stopped or detained by a law enforcement officer while publicly carrying the handgun or transporting it in a motor vehicle, would be required to immediately disclose to the officer that the permit holder is carrying or transporting a handgun and display the permit to carry a handgun. A person who fails to disclose to a law enforcement officer that the person is carrying a handgun would be guilty of a fourth degree crime. A person who fails to display a permit to carry a handgun would be guilty of a disorderly persons offense and subject to a \$100 fine for a first offense and guilty of a crime of the fourth degree for a second or subsequent offense. In addition, a permit holder who is carrying a handgun in public and is detained by a law enforcement

officer as part of a criminal investigation would be required to provide the handgun to the officer for the purposes of inspection. A person who fails to provide the handgun would be guilty of a crime of the fourth degree.

The committee substitute also delineates places in which a person would be prohibited from carrying a firearm or destructive device. The committee substitute clarifies that it would be a de minimis infraction for which a person would not be prosecuted if the entry onto one of the prohibited locations was a brief, incidental entry onto property. Under the committee substitute, it would be a third degree crime to carry any firearm or destructive device in the following locations:

- a place owned, leased, or under the control of State, county, or municipal government used for the purpose of government administration, including but not limited to police stations;
- a courthouse, courtroom, or any other premises used to conduct judicial or court administrative proceedings or functions;
- a State, county, or municipal correctional or juvenile justice facility, jail and any other place maintained by or for a governmental entity for the detention of criminal suspects or offenders;
- a State-contracted half-way house;
- a location being used as a polling place during the conduct of an election;
- a place where a public gathering, demonstration, or event is held for which a government permit is required, during the conduct of such gathering, demonstration, or event;
- a school, college, university, or other educational institution and on any school bus;
- a child care facility, including a day care center;
- a nursery school, pre-school, zoo, or summer camp;
- a park, beach, recreation facility, or area or playground owned or controlled by a State, county or local government unit;
- at youth sports events during and immediately preceding and following the conduct of the event;
- a publicly owned or leased library or museum;
- a shelter for the homeless, emergency shelter for the homeless, basic center shelter program, shelter for homeless or runaway youth, children's shelter, child care shelter, shelter for victims of domestic violence, or any shelter licensed by or under the control of the Juvenile Justice Commission or the Department of Children and Families;
- a community residence for persons with developmental disabilities, head injuries, or terminal illnesses, or any other residential setting licensed by the Department of Human Services or Department of Health;

- a bar or restaurant where alcohol is served, and any other site or facility where alcohol is sold for consumption on the premises;
- a Class 5 Cannabis retailer or medical cannabis dispensary, including any consumption areas licensed or permitted by the Cannabis Regulatory Commission;
- a privately or publicly owned and operated entertainment facility within this State, including but not limited to a theater, stadium, museum, arena, racetrack, or other place where performances, concerts, exhibits, games, or contests are held;
- a casino and related facilities, including but not limited to appurtenant hotels, retail premises, restaurant, and bar facilities, and entertainment and recreational venues located within the casino property;
- a plant or operation that produces, converts, distributes, or stores energy or converts one form of energy to another;
- an airport or public transportation hub;
- a health care facility and any facility licensed or regulated by the Department of Human Services, Department of Children and Families, or Department of Health;
- a public location being used for making motion picture or television images for theatrical, commercial or educational purposes, during the time such location is being used for that purpose;
- private property, including but not limited to residential, commercial, industrial, agricultural, institutional, or undeveloped property, unless the owner has provided express consent or has posted a sign indicating that it is permissible to carry on the premises a concealed handgun with a valid and lawfully issued permit to carry; and
- any other place in which the carrying of a firearm is prohibited by statute or rule or regulation promulgated by a federal or State agency or by municipal ordinance or regulation.

The limitation on places in which a person would be prohibited from carrying a firearm would not apply to active or retired law enforcement officers. However, retired law enforcement officer would be prohibited from carrying a handgun in eight of those locations unless the entity responsible for security at the location has affirmatively authorized the retired officer to carry a handgun. The eight locations include: government buildings; courthouses; correctional facilities; locations used as polling places; within 100 feet of a public gathering demonstration or where an event is held for which a government permit is required; schools, universities, and school buses; childcare centers; and healthcare facilities.

The committee substitute also requires the holder of a permit to carry a handgun to adhere to certain requirements while transporting the handgun in a vehicle.

COMMITTEE SUBSTITUTE

The committee substitute made the following changes:

(1) replaces the term “weapon” with the phrase “destructive device” and prohibits carrying firearms and destructive devices in the sensitive locations enumerated in the bill;

(2) increases the maximum fee that a firearm retailer or dealer may charge for conducting long gun sales transactions to \$70; as introduced the bill established a maximum fee of \$25;

(3) removes from section 4 a reference to the Commissioner of Banking and Insurance to clarify the availability of the liability insurance coverage required in the bill;

(4) removes a requirement that a person with a permit to carry a handgun who is stopped by a law enforcement officer provide the handgun to the officer for the purpose of inspection; the committee substitute requires a person who is detained as part of a criminal investigation to provide the handgun to a law enforcement officer;

(5) removes the requirement that the holder of a permit to carry a handgun display proof of liability insurance to a law enforcement officer; the committee substitute preserves the requirement that a permit holder maintain liability insurance;

(6) removes from the bill’s provisions certain references to “firearm carry insurance”;

(7) requires applicants for a permit to carry handguns to include with the application proof of liability insurance in compliance with the bill and a certification that the applicant will maintain the insurance coverage for the duration of the permit;

(8) provides that active law enforcement officers may carry a handgun in the locations in which other persons are prohibited from carrying a handgun; as introduced, this exemption applied to persons lawfully carrying a firearm within the authorized scope of an exemption set forth in N.J.S.2C:39-6;

(9) establishes locations in which a retired law enforcement officer is prohibited from carrying a firearm unless the entity responsible for security at the location has affirmatively authorized the retired officer to carry a handgun;

(10) clarifies that a person charged with a fourth degree crime under the bill would be ineligible to obtain an FPIC or PPH;

(11) clarifies that a permit holder when stopped in a motor vehicle by a law enforcement officer is to inform the officer that the permit holder is traveling with a handgun and display the permit to carry a handgun;

(12) allows the Superintendent of State Police or chief law enforcement officer to solicit such other identification information as may be authorized by the superintendent to conduct a comparable criminal history records check for an applicant who has already undergone a criminal history records check in the course of obtaining a FPIC, PPH, or PCH;

(13) clarifies that it would be a de minimis infraction for which a person would not be prosecuted if the entry onto one of the prohibited locations was a brief, incidental entry onto property;

(14) remove from the bill a provision allowing municipalities to prohibit, by ordinance or regulation, a person from carrying a weapon in a prohibited location; and

(15) make technical corrections.

LEGISLATIVE FISCAL ESTIMATE
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 3214
STATE OF NEW JERSEY
220th LEGISLATURE

DATED: NOVEMBER 9, 2022

SUMMARY

- Synopsis:** Makes various revisions to requirements for obtaining a firearm purchaser identification card, permit to purchase a handgun, and permit to carry a handgun; codifies sensitive places in which firearms and destructive devices are prohibited.
- Type of Impact:** Annual State and municipal expenditure increases.
Annual State and municipal revenues increases.
- Agencies Affected:** Department of Law and Public Safety; Department of Corrections; Victims of Crime Compensation Office; Administrative Office of the Courts; Superior Courts; Municipal Law Enforcement and Prosecutors.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Expenditure Increase	Indeterminate
State Revenue Increase	Indeterminate
Local Cost Increase	Indeterminate
Local Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) anticipates that the State and municipalities will incur indeterminate additional annual operating expenses from the processing of an increased number of applications; establishing training programs; enforcing, prosecuting, and trying the offenses established by the bill; and incarcerating any offenders. In addition, the OLS estimates increased State and municipal revenue because of the fee increases for the permit to carry application, the firearm purchaser identification card (FPIC), the permit to purchase a handgun (PPH), and increased fines and penalties.
- The bill's establishment of new crimes of the third and fourth degree, and disorderly persons offenses, will increase the workload of the Division of Criminal Justice in the Department of Law and Public Safety, county prosecutor's offices, the Administrative Office of the Courts, and municipal courts as additional defendants will be prosecuted and tried for these crimes and offenses. Crimes of the third and fourth degree are adjudicated by the Superior Court.

Disorderly persons offenses are adjudicated by municipal courts, in most circumstances. A presumption of non-incarceration applies to first-time offenders of crimes of the third and fourth degree, and disorderly persons offenses. Repeat offenders, however, could be incarcerated, with the Department of Corrections incurring the cost.

- The Victims of Crime Compensation Office will receive a portion of the established \$200 application fee for the permit to carry a handgun.

BILL DESCRIPTION

This bill removes from current law the justifiable need standard, which is the standard an individual is required to meet to hold a permit to carry a handgun in this State, in accordance with a recent decision of the United States Supreme Court in New York State Rifle & Pistol Association v. Bruen. The bill further establishes certain criteria for obtaining a permit to carry a handgun and codifies certain venues at which the right to carry firearms would be restricted due to security and safety concerns.

The bill expands the disqualifying criteria that would prohibit a person from obtaining an FPIC, PPH, or permit to carry a handgun.

The bill makes several changes to the procedure for applying for an FPIC or PPH. The bill increases the fee to obtain an FPIC from \$5 to \$50. The fee for the PPH would be increased from \$2 to \$25.

This bill renders a recent enactment (P.L.2022, c.58), which requires FPICs to display a picture and thumb print, inoperative until the Superintendent of State Police establishes a system for issuing these cards.

This bill codifies the current reporting procedure established by the State Police, which established a web portal for electronically reporting handgun sales and requires that handgun transfers between certain people be conducted via the web portal.

The bill revises the application process for obtaining a permit to carry a handgun. The bill requires an applicant to provide endorsements from four people, an increase of one additional endorsement, who are unrelated to the applicant. The chief of police or superintendent, as appropriate, is required to interview the applicant and those persons providing the endorsements and may request information from the applicant or any other person pertaining to publicly available statements posted or published online by the applicant. The bill also extends the time frame which the superintendent or chief of police is required to approve or deny an application for a permit to carry a handgun from 60 to 90 days.

The bill also requires the Superintendent of State Police to establish a training requirement in the lawful and safe handling and storage of firearms for persons who obtain a permit to carry a handgun. The training requirement is to consist of an online course of instruction, in-person classroom instruction, and target training. A person who obtained a permit to carry a handgun prior to the bill's effective date would be required to complete the classroom instruction and target training within 90 days of the bill's effective date.

In addition, the application fee for the permit to carry a handgun would be \$200. In the case of an application made to the chief police officer of a municipality, \$150 of the fee is to be retained by the municipality to defray the costs of investigation, administration, and processing of the permit to carry handgun applications. The remaining \$50 is to be forwarded to the superintendent to be deposited into the Victims of Crime Compensation Office account. The permit would be issued to the applicant electronically through email or through an established web portal. Prior to

issuing the permit, the chief of police or superintendent is required to conduct an investigation of the applicant. Any fees submitted to the superintendent are to be deposited into the Victims of Crime Compensation Office account. The permit would be issued to the applicant electronically through email or through an established web portal. Prior to issuing the permit, the chief of police or superintendent is required to conduct an investigation of the applicant.

The bill establishes certain requirements for certain private citizens who obtain a carry permit including obtaining liability insurance and exhibiting the permit to carry a handgun to a law enforcement officer if stopped or detained. A person who violates these requirements would be guilty of a crime of the fourth degree including the revocation of a permit to carry a handgun. A person who fails to display proof of liability insurance would be guilty of a disorderly persons offense and subject to a \$100 fine and guilty of a crime of the fourth degree for a second or subsequent offense.

The bill also delineates places in which certain persons would be prohibited from carrying a firearm or destructive device. Under the bill, it would be a third degree crime to carry any firearm or destructive device in those certain locations.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS anticipates that the State, county prosecutor's offices, local law enforcement agencies, and municipal courts will incur indeterminate additional annual operating expenses from processing an increased number of applications; establishing a training program; enforcing, prosecuting, and trying the offenses established by the bill; and incarcerating any offenders. In addition, the OLS estimates increased State and municipal revenue because of the fee increases for the permit to carry application, the FPIC, the PPH, and increased fines and penalties.

According to a June 2022 news article, only 1,000 permits to carry a handgun have been issued in the State and New Jersey State Police Superintendent Colonel Pat Callahan anticipates that more than 200,000 people will apply for these permits in light of the United States Supreme Court ruling.

State Expenditure Increases and Decreases – The OLS estimates that the bill's requirements will result in increased expenditures to the Division of State Police to process additional permit to carry a handgun applications, as well as establish a training mechanism for those individuals who are approved to obtain a carry permit.

Further, this bill establishes penalties for various offenses related to a permit to carry a handgun. The bill's establishment of new crimes of the third and fourth degree, and disorderly persons offenses, will increase the workload of the Division of Criminal Justice in the Department of Law and Public Safety, county prosecutor's offices, the Administrative Office of the Courts, and municipal courts, as additional defendants will be prosecuted and tried. Crimes of the third and fourth degree are adjudicated by the Superior Court. Disorderly persons offenses are adjudicated by municipal courts, in most circumstances. A presumption of non-incarceration applies to first-time offenders of crimes of the third and fourth degree, and disorderly persons offenses. Repeat offenders, however, could be incarcerated, with the Department of Corrections incurring the cost.

Further, the bill requires the Division of State Police to accept an increased number of permit to carry a handgun applications and establish a training program (online, in-person, and target training) with the Police Training Commission in the lawful and safe handling and storage of firearms for persons who obtain a permit to carry a handgun. The bill is anticipated to increase the Division of State Police's workload as there will be additional applications and persons required to be interviewed during the application process. The bill does extend the time frame for the superintendent to approve or deny an application for a permit to carry a handgun from 60 to 90 days, and this extension may be helpful in meeting this deadline depending on the number of applications received at any given time.

The OLS cannot determine if any of the increased firearm related fees or payments for training courses will offset the operations cost to the Division of State Police related to the anticipated increased workload. The Victims of Crime Compensation Office will receive a portion of the established \$200 application fee for the permit to carry a handgun.

Additionally, this bill renders a recent enactment (P.L.2022, c.58), which requires FPICs to display a picture and fingerprint, inoperative until the Superintendent of State Police establishes a system for issuing these cards. This may provide a temporary cost savings to the Division of State Police.

Lastly, the State may have legal costs associated with those challenging the bill's constitutionality.

Municipal Law Enforcement Expenditure Increase – The OLS estimates that the bill will produce indeterminate annual expenditure increases to municipalities, specifically law enforcement.

Under current law, in order to lawfully carry a handgun in public, applicants for a permit to carry a handgun need the approval of the chief of police in the municipality where they reside and the approval of a Superior Court judge in the county where they reside. This approval is contingent upon a person submitting, along with the application, a written certification establishing justifiable need. The OLS estimates that the increase in estimated applications will result in a need for additional manpower to fulfill the bill's requirements.

Specifically, the bill revises the application process for obtaining a permit to carry a handgun. Currently, the chief of police is required to interview the applicant and those persons providing the endorsements. The bill requires an applicant to provide endorsements from four people, an increase of one additional endorsement. The OLS estimates that, based on the anticipated increased number of applicants and investigations, this requirement will result in an increased workload for municipal law enforcement. The bill does extend the time frame for the chief of police to approve or deny an application for a permit to carry a handgun from 60 to 90 days, and this extension may be helpful in meeting this deadline depending on the number of applications received at any given time.

Further, a person who fails to display proof of liability insurance would be guilty of a disorderly persons offense. The bill's establishment of disorderly persons offenses will increase the workload of the municipal courts as additional defendants will be prosecuted and tried.

State and Municipal Annual Revenue – An increase in revenue from increased fees as well as additional indeterminate annual State and municipal revenue will accrue from fine and penalty payments from convicted violators of new statutory provisions.

Fees - The bill increases the fee to obtain an FPIC from \$5 to \$50, which must be renewed every ten years and only applies to those cards issued after the effective date of P.L.2022, c.58. The fee for the PPH would be increased from \$2 to \$25 and is only valid for 90 days.

The bill increases the application fee for the permit to carry a handgun from \$20 to \$200. In the case of an application made to the chief of police of a municipality, \$150 of the fee is to be retained by the municipality to defray the costs of investigation, administration, and processing of the permit to carry a handgun applications. The remaining \$50 is to be deposited with the superintendent. Any fees submitted to the superintendent are to be deposited into the Victims of Crime Compensation Office account.

Fine and penalty payments - This bill establishes penalties for various offenses related to the permit to carry a handgun. In establishing the new third degree crimes, fourth degree crimes, and disorderly persons offenses, the bill creates the potential for recurring State and municipal revenue gains.

Under the bill, it would be a third degree crime to carry any firearm or destructive device in certain locations. In creating a new crime of the third degree, the bill could potentially generate increased recurring State revenue gains. Crimes of the third degree are punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

The bill establishes certain requirements for private citizens who obtain a permit to carry a handgun with penalties for violations. A person who has been detained by a law enforcement officer and does not immediately reveal the carrying of a handgun is guilty of a crime of the fourth degree. A person who fails to display the permit to carry a handgun to a law enforcement officer would be guilty of a disorderly persons offense and subject to a \$100 fine; for a second or subsequent offense the person is guilty of a crime of the fourth degree. A person detained by a law enforcement officer as part of a criminal investigation who fails to provide the handgun to the officer for inspection is guilty of a crime of the fourth degree. In addition, a person who fails to provide proof of liability insurance is guilty of a crime of the fourth degree. Fourth degree crimes are punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both. A disorderly persons offense is punishable by up to six months' imprisonment, a fine of up to \$1,000, or both. Disorderly persons offenses are adjudicated by municipal courts, in most circumstances.

The OLS cannot determine the number of convictions the bill's provisions may generate, and by extension, the total of any resultant fine and penalty revenue. The OLS additionally notes that due to financial constraints, many penalties go unpaid.

Section: Law and Public Safety
Analyst: Kristin Brunner Santos
Lead Fiscal Analyst
Approved: Thomas Koenig
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 3214

STATE OF NEW JERSEY

DATED: DECEMBER 5, 2022

The Senate Budget and Appropriations Committee reports favorably a Senate Committee Substitute for Senate Bill No. 3214 SCS.

As reported by the committee, this Senate Committee Substitute removes from current law the justifiable need standard, which is the standard an individual is required to meet to hold a permit to carry a handgun in this State, in accordance with a recent decision of the United States Supreme Court in New York State Rifle & Pistol Association v. Bruen. In addition, the committee substitute establishes certain criteria for obtaining a permit to carry a handgun and codifies certain venues at which the right to carry firearms and certain destructive devices would be restricted due to security and safety concerns.

Under current law, in order to lawfully carry a handgun in public, it is necessary for a private citizen to obtain a permit to carry a handgun. Applicants for a permit to carry a handgun need the approval of the chief of police in the municipality where they reside and the approval of a Superior Court judge in the county where they reside. Approval is contingent upon a person submitting, along with the application, a written certification establishing justifiable need. Justifiable need is defined as the urgent necessity for self-protection, as evidenced by specific threats or previous attacks which demonstrate a special danger to the applicant's life that cannot be avoided by means other than by issuance of a permit to carry a handgun. This committee substitute eliminates the justifiable need standard.

The committee substitute also expands the disqualifying criteria that would prohibit a person from obtaining a firearms purchaser identification card (FPIC), permit to purchase a handgun (PPH), or permit to carry a handgun. Under current law, a person who receives these documents is required to be of "good character" and "good repute" in the community and not subject to any of the disqualifying criteria listed in subsection c. of N.J.S.2C:58-3. This committee substitute removes the "good character" and "good repute" criteria and revises the standard to require the issuance of an FPIC or PPH, unless the applicant is known in

the community in which the person lives as someone who has engaged in acts or made statements suggesting the person is likely to engage in conduct, other than justified self-defense, that would pose a danger to self or others, or is subject to any of the disabilities set forth in current law. The committee substitute expands the list of disqualifying criteria to include:

- persons presently confined for a mental disorder as a voluntary admission or involuntary commitment for inpatient or outpatient treatment pursuant to the mental health screening law concerning assessments of persons believed to be in need of involuntary commitment to treatment, P.L.1987, c.116 (C.30:4-27.1 et seq.);
- persons who are subject to or have violated a temporary or final restraining order issued pursuant to the “Sexual Assault Survivor Protection Act of 2015”;
- persons who have previously been voluntarily admitted or involuntarily committed to inpatient or outpatient mental health treatment, unless the court has expunged the person’s record;
- persons who are subject to an outstanding arrest warrant for an indictable crime in this State or for a felony in any other state or federal jurisdiction. This provision would not include individuals seeking reproductive health care services in this State; and
- persons who are a fugitive from justice due to having fled from any state or federal jurisdiction to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding. This provision would not include individuals seeking reproductive health care services in this State.

The committee substitute also makes several changes to the procedure for applying for an FPIC or a PPH. Under the committee substitute, an applicant would be required to provide any aliases or other names previously used by the applicant. A PPH applicant also would be required to certify with respect to each handgun listed on the form, whether the applicant is purchasing the handgun on the applicant’s own behalf or, if not, on behalf of a third party. In addition, the committee substitute increases the fee to obtain a PPH from two dollars to \$25. The fee for the FPIC would be increased from five dollars to \$50.

In addition, this committee substitute renders a recent enactment (P.L.2022, c.58), which requires FPICs to display a picture and thumb print, inoperative until the Superintendent of State Police establishes a system for issuing these cards. The committee substitute also clarifies that the FPIC would be electronically linked to the fingerprints of the card holder, rather than displaying a thumb print.

The committee substitute also expands the list of officials who are allowed to carry a firearm at all times in this State. Under current law, county and assistant prosecutors and deputy attorneys general are

permitted to carry a firearm at all times in this State. The committee substitute extends this privilege to federal and municipal prosecutors, the Attorney General, and assistant attorneys general. In addition, the committee substitute allows federal, State, and county judges, including judges in Tax Court, the Office of Administrative Law, and the Division of Workers' Compensation to carry a firearm at all times.

The committee substitute also codifies the electronic method for reporting handgun sales. Under current law, the PPH is issued as a quadruplicate document. A firearm retailer is required to complete all four of the documents prior to selling a handgun and send the first copy to the superintendent and the second copy to the chief of police of the municipality in which the purchaser resides. The third copy is retained by the retail dealer and may be subject to inspection by law enforcement at any reasonable time. The purchaser retains the fourth copy as a permanent record. This committee substitute requires the establishment of a web portal within six months of the bill's enactment for electronically reporting handgun sales. The committee substitute also requires that handgun transfers between or among immediate family members, law enforcement officers, or collectors of firearms or ammunition as curios or relics be conducted via the web portal. In addition, the committee substitute clarifies that a chief police officer or the Superintendent of State Police may delegate to subordinate officers the responsibilities of approving and issuing permits to carry a handgun and FPICs and PPHs.

In addition, the committee substitute revises the application process for obtaining a permit to carry a handgun. Under current law, a person applying for a permit to carry a handgun is required to provide endorsements from three people who have known the applicant for at least three years and can attest that he or she is of good moral character and behavior. The committee substitute requires an applicant to provide endorsements from four people who are unrelated to the applicant. The persons providing the endorsement are to provide relevant information, including the nature and extent of their relationship with the applicant and information concerning their knowledge of the applicant's use of drugs or alcohol. The committee substitute also requires the chief police officer or superintendent, as appropriate, to interview the applicant and persons providing the endorsements. The interviewer is to inquire whether the applicant is likely to engage in conduct that would result in harm to the applicant or others. Additionally, the interviewer is to inquire whether the applicant has any history of threats or acts of violence by the applicant directed toward self or others or any history of use, attempted use, or threatened use of physical force by the applicant against another person, or other incidents implicating the criteria that would disqualify a person from obtaining a FPIC or PPH. The chief police officer or the superintendent also may require information from the applicant or any other person pertaining to publicly available statements posted or

published online by the applicant. The committee substitute extends from 60 to 90 days the time frame which the superintendent or chief police officer is required to approve or deny an application for a permit to carry a handgun.

The committee substitute also requires the superintendent to establish a training requirement in the lawful and safe handling and storage of firearms for persons who obtain a permit to carry a handgun. The training requirement is to be established within six months of the committee substitute's enactment and consist of an online course of instruction, in-person classroom instruction, and target training. The committee substitute requires the training to include demonstration of a level of proficiency in the use of a handgun in a manner as may be required by the superintendent and training on justification in the use of deadly force under State law. A person who obtained a permit to carry a handgun within six months following the committee substitute's date of enactment and prior to the establishment of the training requirement would be required to complete the training within 10 months of the bill's date of enactment.

The application fee for the permit to carry a handgun would be \$200 under the committee substitute. In the case of an application made to the chief police officer of a municipality, \$150 of the fee is to be retained by the municipality and the remaining \$50 is to be forwarded to the superintendent. The fee amount retained by the municipality is to be used to defray the costs of investigation, administration, and processing of the permit to carry handgun applications. Application fees made to the superintendent are to be deposited into the Victims of Crime Compensation Office account. However, the committee substitute removes from current law a \$20 fee imposed by the county clerk.

The committee substitute also provides that mayors and elected members of a municipal governing body are to apply to the superintendent, rather than the chief police officer, when applying for a permit to carry a handgun. In addition, the committee substitute allows the superintendent or chief police officer to solicit such other identification information as may be authorized by the superintendent to conduct a comparable criminal history records check for applicants who have already undergone a criminal history records check in the course of obtaining an FPIC or PPH.

Under the committee substitute, the permit would be issued to the applicant electronically through email or six months after the bill's enactment through the web portal established or designated for this purpose by the superintendent, or in such form or manner as may be authorized by the superintendent. The chief police officer or superintendent is to issue the permit if the applicant:

- has not engaged in any acts or made any statements that suggest the applicant is likely to engage in conduct, other than lawful self-defense, that would pose a danger to the

applicant or others and who is not subject to any of the disabilities prohibiting the applicant from purchasing a firearm;

- is thoroughly familiar with the safe handling and use of handguns;
- has completed the training requirements established by the committee substitute; and
- is in compliance with the liability insurance requirements established by the committee substitute.

The provisions of the committee substitute requiring the chief police officer or superintendent to verify the training requirement and liability insurance are to remain inoperative for six months following the bill's enactment.

The committee substitute requires a private citizen who obtains a carry permit to obtain liability insurance. Under the committee substitute, applications for a permit to carry handguns are to include proof of liability insurance coverage. The committee substitute requires the liability insurance coverage to insure against loss resulting from liability imposed by law for bodily injury, death, and property damage sustained by any person arising out of the ownership, maintenance, operation or use of a firearm carried in public. The committee substitute requires the insurance coverage to be at least in an amount or limit of \$300,000, exclusive of interest and costs, on account of injury to, or death of, more than one person and damage to property, in any one incident.

The holder of a permit to carry a handgun would be required to produce proof of liability insurance within a reasonable amount of time following any injury, death, or property damage alleged to have been caused by the person carrying the handgun in public.

In addition, the committee substitute requires persons who obtain a permit to carry a handgun to adhere to certain requirements. Under the committee substitute, a person with a carry permit would be prohibited from:

- using or consuming alcohol, a cannabis item, or a controlled substance while carrying a handgun;
- being under the influence of alcohol, cannabis, or a controlled substance while carrying a handgun;
- carrying a handgun outside of a holster or in an unauthorized holster;
- carrying more than two firearms under the permittee's control at one time; or
- engaging in an unjustified display of a handgun.

A person who violates these requirements would be guilty of a crime of the fourth degree. A violation is to serve as sufficient grounds for revocation of a permit to carry a handgun.

The committee substitute provides that a permit holder, when stopped or detained by a law enforcement officer while publicly

carrying the handgun or transporting it in a motor vehicle, would be required to immediately disclose to the officer that the permit holder is carrying or transporting a handgun and display the permit to carry a handgun. A person who fails to disclose to a law enforcement officer that the person is carrying a handgun would be guilty of a fourth degree crime. A person who fails to display a permit to carry a handgun would be guilty of a disorderly persons offense and subject to a \$100 fine for a first offense and guilty of a crime of the fourth degree for a second or subsequent offense. In addition, a permit holder who is carrying a handgun in public and is detained by a law enforcement officer as part of a criminal investigation would be required to provide the handgun to the officer for the purposes of inspection. A person who fails to provide the handgun would be guilty of a crime of the fourth degree.

The committee substitute also delineates places in which a person would be prohibited from carrying a firearm or destructive device. The limitation on places in which a person would be prohibited from carrying a firearm would not apply to persons permitted to carry a firearm in this State within the authorized scope of an exemption set forth in N.J.S.2C:39-6. The committee substitute also clarifies that it would be a de minimis infraction for which a person would not be prosecuted if the entry onto one of the prohibited locations was a brief, incidental entry onto property. Under the committee substitute, it would be a third degree crime to carry any firearm or a crime of the second degree to possess a destructive device in the following locations:

- a place owned, leased, or under the control of State, county, or municipal government used for the purpose of government administration, including but not limited to police stations;
- a courthouse, courtroom, or any other premises used to conduct judicial or court administrative proceedings or functions;
- a State, county, or municipal correctional or juvenile justice facility, jail and any other place maintained by or for a governmental entity for the detention of criminal suspects or offenders;
- a State-contracted half-way house;
- a location being used as a polling place during the conduct of an election and places used for the storage or tabulation of ballots;
- within 100 feet of a place where a public gathering, demonstration, or event is held for which a government permit is required, during the conduct of such gathering, demonstration, or event;
- a school, college, university, or other educational institution and on any school bus;
- a child care facility, including a day care center;
- a nursery school, pre-school, zoo, or summer camp;

- a park, beach, recreation facility, or area or playground owned or controlled by a State, county or local government unit;
- at youth sports events during and immediately preceding and following the conduct of the event with exception to youth sports events that are firearm shooting competitions;
- a publicly owned or leased library or museum;
- a shelter for the homeless, emergency shelter for the homeless, basic center shelter program, shelter for homeless or runaway youth, children's shelter, child care shelter, shelter for victims of domestic violence, or any shelter licensed by or under the control of the Juvenile Justice Commission or the Department of Children and Families;
- a community residence for persons with developmental disabilities, head injuries, or terminal illnesses, or any other residential setting licensed by the Department of Human Services or Department of Health;
- a bar or restaurant where alcohol is served, and any other site or facility where alcohol is sold for consumption on the premises;
- a Class 5 Cannabis retailer or medical cannabis dispensary, including any consumption areas licensed or permitted by the Cannabis Regulatory Commission;
- a privately or publicly owned and operated entertainment facility within this State, including but not limited to a theater, stadium, museum, arena, racetrack, or other place where performances, concerts, exhibits, games, or contests are held;
- a casino and related facilities, including but not limited to appurtenant hotels, retail premises, restaurant, and bar facilities, and entertainment and recreational venues located within the casino property;
- a plant or operation that produces, converts, distributes, or stores energy or converts one form of energy to another;
- an airport or public transportation hub;
- a health care facility and any facility licensed or regulated by the Department of Human Services, Department of Children and Families, or Department of Health;
- a public location being used for making motion picture or television images for theatrical, commercial or educational purposes, during the time such location is being used for that purpose;
- private property, including but not limited to residential, commercial, industrial, agricultural, institutional, or undeveloped property, unless the owner has provided express consent or has posted a sign indicating that it is permissible to carry on the premises a concealed handgun with a valid and lawfully issued permit to carry; and

- any other place in which the carrying of a firearm is prohibited by statute or rule or regulation promulgated by a federal or State agency.

This committee substitute also allows retired law enforcement officers to renew their permit to carry a handgun every two years. Under current law, retired law enforcement officers are required to annually renew their permit to carry. The committee substitute preserves the requirement under current law that retired law enforcement officers semi-annually qualify in the use of the handgun in accordance with the requirements and procedures established by the Attorney General.

The committee substitute also requires the holder of a permit to carry a handgun to adhere to certain requirements while transporting the handgun in a vehicle.

Finally, the committee substitute clarifies that application determinations for a permit to carry a handgun that were pending before the Superior Court and filed prior to committee substitute's enactment are to be made by the court. A Judge of the Superior Court may rely on the approval by the chief police officer or superintendent, as the case may be, as the basis for issuing the permit. Application determinations for a permit to carry a handgun that are submitted on or after the date of the committee substitute's enactment will be made by a chief police officer or superintendent, as the case may be, in accordance with the provisions of the committee substitute.

As reported by the committee, the Senate Committee Substitute for Senate Bill No. 3214 (SCS) is identical to Assembly Bill No. 4769 (ACS), which also was reported by the committee on this date.

COMMITTEE SUBSTITUTE

The committee substitute revised the committee substitute to:

- 1) change the penalty for possessing destructive devices in sensitive locations from third to second degree crime;
- 2) remove from current law a \$20 fee imposed by the county clerk;
- 3) clarify that a chief police officer or the Superintendent of State Police may delegate to subordinate officers the responsibilities of approving and issuing permits to carry a handgun and FPICs and PPHs;
- 4) allow retired law enforcement officers to renew their permits to carry a handgun every two years;
- 5) allow persons exempted pursuant to N.J.S.2C:39-6 to carry a firearm within the prohibited locations;
- 6) require the insurance coverage to be at least in an amount or limit of \$300,000; as previously substituted the bill required varying coverage amounts for injury, death, and property damage;
- 7) provide that the establishment of a web portal and training requirement is to take place within six months of the bill's enactment;
- 8) provide that the requirement that the chief police officer or superintendent to verify the training requirement and liability

insurance prior to issuing a permit to carry a handgun are to remain inoperative for six months following the bill's enactment.

9) include among the sensitive locations places used for storing or tabulation of ballots, medical offices, and ambulatory care facilities;

10) clarify that youth sporting competitions do not include firearm shooting competitions;

11) clarify that application determinations for a permit to carry a handgun that were pending before the Superior Court and filed prior to the bill's enactment are to be made by the court;

12) clarify that a person would be disqualified from obtaining an FPIC or a PPH if the person has a substance use disorder involving drugs, under certain circumstances. As introduced, the bill used the term "drug dependent person," rather than the more modern statutory term "substance use disorder involving drugs";

13) expand the list of officials who are allowed to carry a firearm at all times in this State to certain judges, prosecutors, the Attorney General, and assistant attorneys general; and

14) make clarifying and technical changes.

FISCAL IMPACT:

The Office of Legislative Services (OLS) anticipates that the State and municipalities will incur indeterminate additional annual operating expenses from the processing of an increased number of applications; establishing training programs; enforcing, prosecuting, and trying the offenses established by the bill; and incarcerating any offenders. In addition, the OLS estimates increased State and municipal revenue because of the fee increases for the permit to carry application, the firearms purchaser identification card (FPIC), the permit to purchase a handgun (PPH), and increased fines and penalties.

The bill's establishment of crimes of the second, third, and fourth degree, and disorderly persons offenses will increase the workload of the Division of Criminal Justice in the Department of Law and Public Safety, county prosecutor's offices, the Administrative Office of the Courts, and municipal courts as additional defendants will be prosecuted and tried for these crimes and offenses. Crimes of the second, third, and fourth degree are adjudicated by the Superior Court. Disorderly persons offenses are adjudicated by municipal courts, in most circumstances. A presumption of non-incarceration applies to first-time offenders of crimes of the third and fourth degree, and disorderly persons offenses. Repeat offenders, however, could be incarcerated, with the Department of Corrections incurring the cost.

The Victims of Crime Compensation Office will receive a portion of the established \$200 application fee for the permit to carry a handgun.

LEGISLATIVE FISCAL ESTIMATE
SENATE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 3214
STATE OF NEW JERSEY
220th LEGISLATURE

DATED: DECEMBER 14, 2022

SUMMARY

- Synopsis:** Makes various revisions to requirements for obtaining a firearm purchaser identification card, permit to purchase a handgun, and permit to carry a handgun; codifies sensitive places in which firearms and destructive devices are prohibited.
- Type of Impact:** Annual State and municipal expenditure increases.
Annual State and municipal revenues increases.
- Agencies Affected:** Department of Law and Public Safety; Department of Corrections; Victims of Crime Compensation Office; Administrative Office of the Courts; Superior Courts; Municipal Law Enforcement and Prosecutors.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Expenditure Increase	Indeterminate
State Revenue Increase	Indeterminate
Local Cost Increase	Indeterminate
Local Revenue Increase	Indeterminate

- The Office of Legislative Services (OLS) anticipates that the State and municipalities will incur indeterminate additional annual operating expenses from the processing of an increased number of applications; establishing training programs; enforcing, prosecuting, and trying the offenses established by the bill; and incarcerating any offenders. In addition, the OLS estimates increased State and municipal revenue because of the fee increases for the permit to carry application, the firearms purchaser identification card, the permit to purchase a handgun, and increased fines and penalties.
- The bill's establishment of crimes of the second, third, and fourth degree, and disorderly persons offenses will increase the workload of the Division of Criminal Justice in the

Department of Law and Public Safety, county prosecutor's offices, the Administrative Office of the Courts, and municipal courts as additional defendants will be prosecuted and tried for these crimes and offenses. Crimes of the second, third, and fourth degree are adjudicated by the Superior Court. Disorderly persons offenses are adjudicated by municipal courts, in most circumstances. A presumption of non-incarceration applies to first-time offenders of crimes of the third and fourth degree, and disorderly persons offenses. Repeat offenders, however, could be incarcerated, with the Department of Corrections incurring the cost.

- The Victims of Crime Compensation Office will receive a portion of the established \$200 application fee for the permit to carry a handgun.

BILL DESCRIPTION

This bill removes from current law the justifiable need standard, which is the standard an individual is required to meet to hold a permit to carry a handgun in this State, in accordance with a recent decision of the United States Supreme Court in New York State Rifle & Pistol Association v. Bruen. The bill further establishes certain criteria for obtaining a permit to carry a handgun and codifies certain venues at which the right to carry firearms and certain destructive devices would be restricted due to security and safety concerns.

The bill expands the disqualifying criteria that would prohibit a person from obtaining a firearms purchaser identification card, permit to purchase a handgun, or permit to carry a handgun.

The bill makes several changes to the procedure for applying for a firearms purchaser identification card or a permit to purchase a handgun. The bill increases the fee to obtain a firearms purchaser identification card from \$5 to \$50. The fee for a permit to purchase a handgun would be increased from \$2 to \$25.

This bill renders a recent enactment (P.L.2022, c.58), which requires firearms purchaser identification cards to display a picture and thumb print, inoperative until the Superintendent of State Police establishes a system for issuing these cards. Eventually, the firearms purchaser identification card would be electronically linked to the fingerprints of the card holder, rather than displaying a thumb print. The permits would be issued to the applicant electronically through the web portal.

This bill codifies the current reporting procedure established by the State Police, which established a web portal for electronically reporting handgun sales and requires that handgun transfers between certain people be conducted via the web portal.

The bill permits retired law enforcement officers to renew their permit to carry a handgun every two years as compared to the annual renewal of their permit to carry.

The bill revises the application process for obtaining a permit to carry a handgun. The bill requires an applicant to provide endorsements from four people, an increase of one additional endorsement, who are unrelated to the applicant. The chief police officer or superintendent, as appropriate, is required to interview the applicant and those persons providing the endorsements and may request information from the applicant or any other person pertaining to publicly available statements posted or published online by the applicant. The bill also extends the time frame within which the superintendent or chief police officer is required to approve or deny an application for a permit to carry a handgun from 60 to 90 days.

The bill also requires the superintendent to establish a training requirement on or before the first day of the seventh month of the bill's enactment in the lawful and safe handling and storage of firearms for persons who obtain a permit to carry a handgun. The training requirement is to consist of an online course of instruction, in-person classroom instruction, and target training. A

person who obtained a permit to carry a handgun prior to the first day of the seventh month following the bill's effective date and prior to the establishment of the of the training requirement would be required to complete the classroom instruction and target training within ten months of the bill's enactment.

The bill removes from current law a \$20 fee imposed by the county clerk but imposes a \$200 application fee for the permit to carry a handgun. In the case of an application made to the chief police officer of a municipality, \$150 of the fee is to be retained by the municipality to defray the costs of investigation, administration, and processing of the permit to carry handgun applications. The remaining \$50 is to be forwarded to the superintendent to be deposited into the Victims of Crime Compensation Office account. The permit would be issued to the applicant electronically through email or through an established web portal. Prior to issuing the permit, the chief police officer or superintendent is required to conduct an investigation of the applicant. Any fees submitted to the superintendent are to be deposited into the Victims of Crime Compensation Office account.

The bill establishes requirements for private citizens who obtain a carry permit, including: (1) certain safe carry requirements; (2) obtaining liability insurance and providing proof of insurance in certain instances; (3) disclosing the presence of a handgun and exhibiting the permit to carry to a law enforcement officer if stopped or detained while carrying in public or traveling with a handgun in a motor vehicle; and (4) providing a handgun to a law enforcement officer for inspection, upon request if detained by the officer as part of a criminal investigation. A person who violates the safe carry and insurance requirements would be guilty of a crime of the fourth degree. A person who fails to exhibit a permit to carry would be guilty of a disorderly persons offense and subject to a \$100 fine for the first offense and guilty of a crime of the fourth degree for a second or subsequent offense. A person who is carrying a handgun in public without a permit to carry or openly and not concealed, whether or not the person has a permit to carry, would be guilty of a crime of the fourth degree.

The bill also delineates places in which certain persons would be prohibited from carrying a firearm or destructive device. Under the bill, it would be a third degree crime to carry any firearm or a crime of the second degree to possess a destructive device in those certain locations.

Finally, the bill clarifies that application determinations for a permit to carry a handgun that were pending before the Superior Court and filed prior to bill's enactment are to be made by the court. A Superior Court judge may rely on the approval by the chief police officer or superintendent, as the case may be, as the basis for issuing the permit. Application determinations for a permit to carry a handgun that are submitted on or after the date of the bill's enactment will be made solely by a chief police officer or superintendent.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS anticipates that the State, county prosecutor's offices, local law enforcement agencies, and municipal courts will incur indeterminate additional annual operating expenses from processing an increased number of applications; establishing a training program; enforcing, prosecuting, and trying the offenses established by the bill; and incarcerating any offenders. In

addition, the OLS estimates increased State and municipal revenue because of the fee increases for the permit to carry application, the firearms purchaser identification card, the permit to purchase a handgun, and increased fines and penalties.

According to a June 2022 news article, only 1,000 permits to carry a handgun have been issued in the State and New Jersey State Police Superintendent Colonel Pat Callahan anticipates that more than 200,000 people will apply for these permits in light of the United States Supreme Court ruling.

State Expenditure Increases and Decreases – The OLS estimates that the bill’s requirements will result in increased expenditures to the Division of State Police to process additional permit to carry a handgun applications, as well as to establish a training program for those individuals who are approved to obtain a carry permit.

Further, this bill establishes penalties for various offenses related to a permit to carry a handgun. The bill’s establishment of crimes of the second, third, and fourth degree, and disorderly persons offenses, will increase the workload of the Division of Criminal Justice in the Department of Law and Public Safety, county prosecutor’s offices, the Administrative Office of the Courts, and municipal courts, as additional defendants will be prosecuted and tried. Crimes of the second, third, and fourth degree are adjudicated by the Superior Court. Disorderly persons offenses are adjudicated by municipal courts, in most circumstances. A presumption of incarceration applies to crimes of the second degree; however, a presumption of non-incarceration applies to first-time offenders of crimes of the third and fourth degree, and disorderly persons cases. Repeat offenders, however, could be incarcerated, with the Department of Corrections incurring the cost.

Further, the bill requires the Division of State Police to accept an increased number of permit to carry a handgun applications and establish a training program (online, in-person, and target training) with the Police Training Commission in the lawful and safe handling and storage of firearms for persons who obtain a permit to carry a handgun. The bill is anticipated to increase the Division of State Police’s workload as there will be additional applications and persons required to be interviewed during the application process. The bill does extend the time frame for the superintendent to approve or deny an application for a permit to carry a handgun from 60 to 90 days, and this extension may be helpful in meeting this deadline depending on the number of applications received at any given time.

The OLS cannot determine if any of the increased firearm related fees or payments for training courses will offset the operations cost to the Division of State Police related to the anticipated increased workload. The Victims of Crime Compensation Office will receive a portion of the established \$200 application fee for the permit to carry a handgun.

Additionally, this bill renders a recent enactment (P.L.2022, c.58), which requires firearms purchaser identification cards to display a picture and fingerprint, inoperative until the superintendent establishes a system for issuing these cards. This may provide a temporary cost savings to the Division of State Police.

Lastly, the State may have legal costs associated with those challenging the bill’s constitutionality.

Municipal Law Enforcement Expenditure Increase – The OLS estimates that the bill will produce indeterminate annual expenditure increases to municipalities, specifically law enforcement.

Under current law, in order to lawfully carry a handgun in public, applicants for a permit to carry a handgun need the approval of the chief police officer in the municipality where they reside and the approval of a Superior Court judge in the county where they reside. This approval is contingent upon a person submitting, along with the application, a written certification establishing justifiable need. As the bill changes current law and there is an expectation of increased

applications, the OLS estimates that the increase in estimated applications will result in a need for additional manpower to fulfill the bill's requirements.

Specifically, the bill revises the application process for obtaining a permit to carry a handgun. Currently, the chief police officer is required to interview the applicant and those persons providing the endorsements. The bill requires an applicant to provide endorsements from four people, an increase of one additional endorsement. The OLS estimates that, based on the anticipated increase in the number of applicants and investigations, this requirement will result in an increased workload for municipal law enforcement. The bill does extend the time frame for the chief police officer to approve or deny an application for a permit to carry a handgun from 60 to 90 days, and this extension may be helpful in meeting this deadline depending on the number of applications received at any given time.

Further, a person who fails to exhibit a carry permit to a law enforcement officer when stopped or detained would be guilty of a disorderly persons offense in the case of a first offense. The bill's establishment of this disorderly persons offense will increase the workload of the municipal courts as additional defendants will be prosecuted and tried.

State and Municipal Annual Revenue – An increase in revenue from increased fees as well as additional indeterminate annual State and municipal revenue will accrue from fine and penalty payments from convicted violators of new statutory provisions.

Fees - The bill increases the fee to obtain a firearms purchaser identification card from \$5 to \$50, which must be renewed every ten years and only applies to those cards issued after the effective date of P.L.2022, c.58. The fee for the permit to purchase a handgun would be increased from \$2 to \$25 and is only valid for 90 days. The bill increases the fee associated with the permit to carry a handgun from \$20 to \$200. In the case of an application made to the chief police officer of a municipality, \$150 of the fee is to be retained by the municipality to defray the costs of investigation, administration, and processing of the permit to carry a handgun applications. The remaining \$50 is to be deposited with the superintendent. Any fees submitted to the superintendent are to be deposited into the Victims of Crime Compensation Office account.

Fine and penalty payments - This bill establishes penalties for various offenses related to the permit to carry a handgun. In establishing the crimes of the second, third, and fourth degree, and disorderly persons offenses, the bill creates the potential for recurring State and municipal revenue gains.

Under the bill, it would be a crime of the second degree to carry a destructive device in certain locations and a crime of the third degree to carry a firearm in certain locations. In creating new crimes of the second and third degree, the bill could potentially generate increased recurring State revenue gains. Crimes of the second degree are punishable by a term of imprisonment of five to 10 years, a fine of up to \$150,000, or both. Crimes of the third degree are punishable by a term of imprisonment of three to five years, a fine of up to \$15,000, or both.

The bill establishes certain requirements for private citizens who obtain a permit to carry a handgun with penalties for violations. The bill creates several crimes of the fourth degree. Under the bill, a person would be guilty of a crime of a fourth degree by: (1) violating the safe carry requirements established by the bill; (2) violating the requirements to obtain insurance and display proof of the insurance, in certain instances; (3) failing to disclose the presence of a handgun to a law enforcement officer, upon request, if stopped or detained; (4) failing to provide a handgun to a law enforcement officer, upon request, if detained for a criminal investigation; (5) committing a second or subsequent offense of failing to display a permit to carry a handgun to a law enforcement officer if stopped or detained; (6) carrying a handgun in public without a permit to carry, under certain circumstances; and (7) carrying a handgun in public openly and not concealed, whether or

not in possession of a permit to carry. Crimes of the fourth degree are punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both.

A person who fails to display the permit to carry a handgun to a law enforcement officer would be guilty of a disorderly persons offense and subject to a \$100 fine for a first offense. A disorderly persons offense is punishable by up to six months' imprisonment, a fine of up to \$1,000, or both. Disorderly persons offenses are adjudicated by municipal courts, in most circumstances.

The OLS cannot determine the number of convictions the bill's provisions may generate, and by extension, the total of any resultant fine and penalty revenue. The OLS additionally notes that due to financial constraints, many penalties go unpaid.

Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Lead Fiscal Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Murphy Signs Gun Safety Bill Strengthening Concealed Carry Laws in New Jersey in Response to Bruen Decision

12/22/2022

Today's Bill Signing Delivers on Governor's Promise & Continues the Murphy Administration's Record of Leading the Nation on Gun Safety

SCOTCH PLAINS – Governor Phil Murphy today signed A4769/S3214, delivering on the promise he made in the immediate aftermath of the U.S. Supreme Court's Bruen decision when he unveiled a comprehensive legislative proposal to maintain New Jersey's status as a model for gun safety by strengthening restrictions for who is eligible for a public carry permit, and establishing a list of places where people with carry permits cannot bring their firearms.

In June, the U.S. Supreme Court ruled in the [N.Y. State Rifle and Pistol Association v. Bruen](#) case that it is impermissible to require applicants in New York to show "proper cause" to carry a handgun in public, which had the effect of invalidating New Jersey's longstanding laws restricting public carry to those who could demonstrate a "justifiable need". Less than 24 hours later, Governor Murphy unveiled a [comprehensive proposal](#) that, consistent with Bruen, would strengthen the statutory disqualifiers for those eligible for a carry permit, while significantly expanding the list of sensitive places where individuals cannot carry firearms.

"Today's bill signing is the culmination of months of negotiations between this Administration and our partners in the Legislature, delivering on the promise I made this summer to keep New Jersey safe in the aftermath of the Supreme Court's awful decision," **said Governor Murphy**. "While I strongly disagree with that decision, we must abide by it, and today's law fully respects the Second Amendment while keeping guns out of the wrong hands and preventing them from proliferating in our communities. I am proud to sign this commonsense legislation which prohibits carrying guns in sensitive places, including our daycares, hospitals, libraries, and stadiums."

Under the law signed today, the list of sensitive places where concealed carry is not permissible includes the following three categories (a complete list is included in the law):

High-density locations

- Entertainment venues, including stadiums, arenas, amusement parks, casinos, racetracks, and publicly owned libraries and museum
- Youth sporting events and other recreational facilities, such as public parks, beaches, and playground
- Bars, restaurants where alcohol is served, and any other locations that serve alcohol for on-premises consumption
- Airports and public transportation hubs

Locations with vulnerable populations

- Schools, colleges, and universities
- Daycare and child-care facilities
- Hospitals and health care facilities
- Long-term care facilities and nursing homes
- Correctional facilities, juvenile justice facilities, and halfway houses
- Homeless shelters

Locations with governmental and First Amendment activity

- Polling places
- Courthouses
- Law enforcement stations and offices
- Government buildings and locations with government meetings
- Demonstrations, protests, and licensed public gatherings

In addition to these three categories, this bill sets a default rule that firearms cannot be carried on private property, including homes, businesses, stores, and houses of worship, unless the property owner expressly communicates permission through express consent or specific signage. The only exceptions to these rules are for law enforcement officers or private security guards.

“New Jersey continues to lead the nation in combatting gun violence and demonstrating how commonsense gun laws help keep residents and law enforcement safe,” **said Attorney General Platkin**. “The legislation signed into law today, strengthens our efforts to keep communities safe by keeping firearms out of the wrong hands and away from sensitive locations, such as where children learn and play. I thank Governor Murphy for taking another strong step forward for gun safety in the wake of recent mass shootings across the country and gun violence here at home. We remain steadfast in protecting New Jerseyans from the epidemic of gun violence while respecting Second Amendment rights.”

In addition to the expanded list of sensitive places, the bill will strengthen permit requirements by expanding ineligibility for a carry permit to the following groups:

- Persons with an outstanding arrest warrant for an indictable offense;
- Persons subject to certain restraining orders, including persons who have violated either a temporary or a final restraining order;
- Persons subject to restraining orders in other jurisdictions;
- Persons subject to voluntary admissions to mental institutions or hospitals.

The bill also makes for a more vigorous carry permit application process. Applicants must now include four endorsements of character from non-related persons. Upon submission of their application, applicants and their endorsers must now be interviewed by law enforcement to determine whether the applicant is likely to engage in conduct that would result in harm to themselves or others.

Additionally, New Jersey will become the first state in the nation to require all permit carriers to maintain and provide proof of liability insurance with coverage for at least \$300,000 on account of injury, death, or damage to property arising out of ownership, maintenance, operation, or use of a firearm.

The bill also increases the handgun permit application fee to \$25 from the \$2 mark, where it has sat since 1966.

“New Jersey continues to be a leader on gun safety with laws that help keep our communities safe,” **said Senate President Nicholas Scutari**. “This law will help prevent gun violence with common-sense standards to require training, promote gun safety and prevent firearms from being carried into sensitive locations.”

“Designed in response to the US Supreme Court’s Bruen ruling, this common sense law works to protect the public safety of the more than nine million residents of our state,” **said Assembly Speaker Craig J. Coughlin**. “By ensuring responsible concealed carry with thorough vetting and appropriate training, we are standing up for victims of gun violence and helping to prevent future tragedies.”

“The decision by the U.S. Supreme Court earlier this year stripped away the right for states to regulate who is able to carry concealed weapons in public,” **said Senator Greenstein, the chair of the Law and Public Safety Committee**. “We must do everything we can to make sure New Jersey families remain safe and protected while enjoying all New Jersey has to offer. This law is a promising step in the right direction.”

“As a recreational hunter, I know that commonsense gun reform doesn’t stop sportsmen like me from continuing traditions that have been passed down through our families for generations,” **said Assemblyman Joe Daniels**. “And, as a father, I know how important it is to keep our communities and schools safe. There is nothing at odds with promoting responsible gun ownership, gun safety, gun education, and gun training while upholding the Second Amendment. I am proud to have authored this law that will strike a balance between promoting public safety and allowing people to exercise their Constitutional rights.”

“We continue to deliver on our promise to protect our children and the community by empowering law enforcement with common-sense gun safety laws that also affirm our constitutional commitment to responsible gun ownership,” **said Assembly Majority Leader Louis D. Greenwald**. “This law, made necessary by a recent Supreme Court ruling, ensures New Jersey maintains one of the lowest gun death rates in the nation and continues to be one of the safest to live, work, and raise a family.”

“Responsible concealed carry laws have been in full force and effect in New Jersey for decades,” **said Assemblywoman Mila Jasey**. “This law restores responsible and reasonable safeguards that will protect our communities, our schools, houses of

worship, and other public places.”

“We as a nation have witnessed too many acts of gun violence, more than 500 mass shootings this year alone. It’s imperative that we do everything within our power to keep guns out of the wrong hands,” **said Assemblyman John McKeon.** “This law sets reasonable requirements on concealed carry in the state.”

“As a member of the AAPI community, a community that has seen a stark rise in hate and bigoted violence, I am proud to be a part of this nationally recognized gun violence prevention law,” **said Assemblywoman Ellen J. Park.** “This is the right thing to do because it aligns with the values held by the overwhelming majority of New Jerseyans. It’s the right thing to do because protecting our citizens is our moral obligation as public officials. And it’s the right thing to do because in the absence of a functioning federal government, it is important to show the country that New Jersey is here to lead.”

“Whether they are dropping their children off at school or going to a concert, New Jersey residents deserve to feel safe from senseless gun violence,” **said Assemblywoman Annette Chaparro.** “With this law, we are keeping guns out of the areas where they have the potential to do the most harm.”

“Earlier this year, radical conservatives on the Supreme Court issued a dangerous ruling that undermined many states’ concealed carry laws, including New Jersey’s. Thankfully, Governor Murphy, Senate President Nicholas Scutari, Speaker Craig Coughlin, and the New Jersey legislature stepped up and have taken decisive action to keep Garden State communities safe. We applaud them for their courageous leadership. As study after study has confirmed, having more guns in public places only increases the threat to public safety and the likelihood of violent crime. The comprehensive legislation signed today is a critical step in the right direction. As our nation continues to experience elevated rates of gun violence, we’re grateful for leaders like Governor Murphy who have the courage to act on this life-or-death issue,” **said Adam Skaggs, Chief Counsel and Policy Director, Giffords Law Center.**

“Today is not a day for victory. Today is a solemn recognition of a law that will alleviate a potential increase in violence, injury, or death in N.J. from the increase in concealed handguns anticipated by a U.S. Supreme Court ruling that has usurped N.J.’s former protective law designed for public safety. When public safety is eroded and the use of concealed handguns is increased, there is no chance for nonviolence, only further violence,” **said Dolores Phillips, Legislative Director for CeasefireNJ based in Princeton.** “The decision for the NJ Democratic leadership to take on a U.S. Supreme Court (SCOTUS) ruling to reduce its harmfulness and the consequent social anxiety the SCOTUS ruling creates from the relaxing of NJ’s handgun carry standard deserves much praise by those of us seeking a nonviolent society. CeasefireNJ, and all its members that have advocated for gun violence prevention, commends the exemplary leadership of Governor Murphy, Senate President Scutari, Speaker Coughlin, and the legislative sponsorships in the Assembly and Senate for getting this public safety legislation signed into law today. We thank you all.”

“Since the US Supreme Court ruling making concealed carry of guns easier, over 300,000 New Jerseyans have reportedly applied for a permit—compared to only about 500 per year granted previously. This will lead to a Wild West scenario of massive gun proliferation. Already there are many examples of states that allow more concealed carry killing innocents, including children,” **said the Rev. Robert Moore, Executive Director of the Coalition for Peace Action, of which Ceasefire NJ is a Project.** “Through our Ceasefire NJ Project, we were proud to have worked hard advocating for the bill being signed today, including enabling nearly 600 NJ citizens to contact their state legislators in support. The common sense restrictions in it will make our state safer from the US epidemic of gun violence.”

“New Jersey - my community - is safer today thanks to the tireless work of dedicated activists and committed policymakers who showed up and demanded sensible solutions to reduce gun violence. This call to action culminated in the signing of S3214 and A4769 here today,” **said Carole Stiller, President of BRADY New Jersey.** “The signing of these bills demonstrates that in the wake of the Supreme Court’s dangerous Bruen decision, it is imperative that states take up the mantle in helping solve gun violence and promoting public safety. However, the fight doesn’t end here, and we must all continue to work together to end this epidemic and protect our communities. It takes all of us.”

“After the Supreme Court’s flawed Bruen decision we were not going to just stand by and allow guns to be carried in places like daycare centers, parks, concert and sporting venues, or train stations,” **said Kathleen Dolan, a volunteer with the New Jersey chapter of Moms Demand Action.** “Where the Supreme Court failed us — New Jersey lawmakers have succeeded in putting the safety of our communities above anything else. We are proud to have worked with the Legislature to get this bill passed before the New Year and look forward to continuing to take proactive safety measures to protect our state from gun violence.”

“We are gathered here today because Governor Phil Murphy recognized that it was important for New Jersey to respond to the U.S. Supreme Court’s Bruen decision, which held that New York’s law requiring a license to carry concealed weapons in public places is unconstitutional. Governor Murphy, Senate President Nick Scutari, Assembly Speaker Coughlin, and every

legislator that supported this legislation recognized that firearm restrictions are, in fact, necessary and that reasonable restrictions make communities, like Scotch Plains, and cities, like Newark, safer," **said Scotch Plains Mayor Joshua Losardo.**

Governor Phil Murphy

Governor Murphy Signs Executive Order Directing State Departments and Agencies to Identify Gun Violence Prevention Measures

06/24/2022

Announces Intention to Work with Legislature to Expand Sensitive Locations Where Firearms are Prohibited

TRENTON – Governor Phil Murphy signed an executive order today directing all state departments and agencies to review all statutes, rules, and regulations to identify actions that may be taken to determine whether, and in what manner, firearms may be carried, displayed, or otherwise regulated. This includes the authority to designate certain locations where carrying of firearms is prohibited, as well as authority to regulate the manner of carrying, transporting, possessing, or conveying firearms.

Governor Murphy also announced his intention to work with partners in the Legislature to expand the number of places where firearms cannot be carried, including locations with a high density of people, locations with inherently vulnerable populations, and buildings where important governmental or First Amendment-protected activities take place.

The signing and call for action follow yesterday's U.S. Supreme Court decision in *New York State Rifle & Pistol Association Inc. v. Bruen*, in which a right-wing majority ruled that individuals have a general right to carry firearms in public.

More than 250 mass shootings have already occurred in 2022 across the U.S. Although New Jersey has the lowest firearm mortality rates in the country, gun violence has claimed the lives of more than 5,000 New Jerseyans in the past decade.

"Yesterday's Supreme Court decision, in addition to making a mockery of the recent tragedies in Uvalde and Buffalo, severely undermines the efforts of individual states to protect their residents from gun violence," **said Governor Murphy**. "But the failures of the nation's highest court to combat this devastating public health crisis will not deter us from realizing our vision for a safer New Jersey. Now more than ever, the onus is on us to pass commonsense gun safety reform that will benefit every child, parent, and first responder who calls New Jersey their home."

"The Supreme Court's reckless decision makes it harder to combat the proliferation of deadly weapons in our communities and in our public spaces, and makes all New Jerseyans less safe," **said Acting Attorney General Matthew J. Platkin**. "The majority's ruling could not come at a worse time, as we experience a nationwide epidemic of gun violence. But rest assured: we will continue standing up for our commonsense firearms laws and work with our law enforcement partners to protect our residents from harm. That is why I will issue a Directive to law enforcement statewide reiterating that even with this decision, individuals in New Jersey cannot carry firearms without a permit, and that all other aspects of the permitting process must continue to be enforced."

"Although New Jersey has consistently experienced one of the lowest firearm mortality rates in the nation, even one senseless death due to gun violence is too many," **said Colonel Patrick J. Callahan, Superintendent of the New Jersey State Police**. "Our priority remains keeping the citizens of this state safe, and we will continue to work with the Governor's Office, the Office of Attorney General, and our law enforcement partners to take preventative measures to ensure that firearms do not fall into the wrong hands."

Earlier this week, the New Jersey General Assembly and New Jersey State Senate advanced several critical gun safety measures in Governor Murphy's Gun Safety 3.0 package, including training requirements and limitations on certain weapons. Additional legislation inspired by today's executive order would build upon this progress toward a safer New Jersey. The Governor applauded this progress and reiterated his desire to sign these bills into law as soon as possible.

To read the full executive order, click here (<https://nj.gov/infobank/eo/056murphy/pdf/EO-299.pdf>)

Governor Phil Murphy

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[Office of Health Care Affordability and Transparency \(/governor/admin/affordablehealthcare/index.shtml\)](/governor/admin/affordablehealthcare/index.shtml)

[Boards, Commissions & Authorities \(/governor/admin/bca/\)](/governor/admin/bca/)

[Internship Opportunities \(/governor/admin/internship.shtml\)](/governor/admin/internship.shtml)

[Governor's Residence - Drumthwacket \(http://drumthwacket.org/\)](http://drumthwacket.org/)

Key Initiatives

[Economy & Jobs \(/governor/initiatives/#Economy\)](/governor/initiatives/#Economy)

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