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Yes

"Law gives guards more firepower," 8-4-2003 Courier -News, p A3

"New law increases security at nuclear-power plants," 8-4-2003 Philadelphia Inquirer, pB4

"Nuclear-plant guards allowed more firepower," 8-4-2003 Home News Tribune, p.A4

"N-plant guards get assault-weapons OK," 9-4-2003 The Press, p.A12

P.L. 2003, CHAPTER 168, *approved September 3, 2003*

Senate, No. 1453 (*First Reprint*)

1 AN ACT concerning firearms, and amending N.J.S.2C:39-3 and
2 N.J.S.2C:39-6.

3

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

6

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

8 2C:39-3. Prohibited Weapons and Devices.

9 a. Destructive devices. Any person who knowingly has in his
10 possession any destructive device is guilty of a crime of the third
11 degree.

12 b. Sawed-off shotguns. Any person who knowingly has in his
13 possession any sawed-off shotgun is guilty of a crime of the third
14 degree.

15 c. Silencers. Any person who knowingly has in his possession any
16 firearm silencer is guilty of a crime of the fourth degree.

17 d. Defaced firearms. Any person who knowingly has in his
18 possession any firearm which has been defaced, except an antique
19 firearm or an antique handgun, is guilty of a crime of the fourth
20 degree.

21 e. Certain weapons. Any person who knowingly has in his
22 possession any gravity knife, switchblade knife, dagger, dirk, stiletto,
23 billy, blackjack, metal knuckle, sandclub, slingshot, cestus or similar
24 leather band studded with metal filings or razor blades imbedded in
25 wood, ballistic knife, without any explainable lawful purpose, is guilty
26 of a crime of the fourth degree.

27 f. Dum-dum or body armor penetrating bullets. (1) Any person,
28 other than a law enforcement officer or persons engaged in activities
29 pursuant to subsection f. of N.J.S.2C:39-6, who knowingly has in his
30 possession any hollow nose or dum-dum bullet, or (2) any person,
31 other than a collector of firearms or ammunition as curios or relics as
32 defined in Title 18, United States Code, section 921 (a) (13) and has
33 in his possession a valid Collector of Curios and Relics License issued
34 by the Bureau of Alcohol, Tobacco and Firearms, who knowingly has
35 in his possession any body armor breaching or penetrating ammunition,
36 which means: (a) ammunition primarily designed for use in a handgun,
37 and (b) which is comprised of a bullet whose core or jacket, if the
38 jacket is thicker than .025 of an inch, is made of tungsten carbide, or
39 hard bronze, or other material which is harder than a rating of 72 or
40 greater on the Rockwell B. Hardness Scale, and © is therefore capable

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SLP committee amendments adopted May 19, 2003.

1 of breaching or penetrating body armor, is guilty of a crime of the
2 fourth degree. For purposes of this section, a collector may possess
3 not more than three examples of each distinctive variation of the
4 ammunition described above. A distinctive variation includes a
5 different head stamp, composition, design, or color.

6 g. Exceptions. (1) Nothing in subsection a., b., c., d., e., f., j. or
7 k. of this section shall apply to any member of the Armed Forces of the
8 United States or the National Guard, or except as otherwise provided,
9 to any law enforcement officer while actually on duty or traveling to
10 or from an authorized place of duty, provided that his possession of
11 the prohibited weapon or device has been duly authorized under the
12 applicable laws, regulations or military or law enforcement orders.
13 Nothing in subsection h. of this section shall apply to any law
14 enforcement officer who is exempted from the provisions of that
15 subsection by the Attorney General. Nothing in this section shall apply
16 to the possession of any weapon or device by a law enforcement
17 officer who has confiscated, seized or otherwise taken possession of
18 said weapon or device as evidence of the commission of a crime or
19 because he believed it to be possessed illegally by the person from
20 whom it was taken, provided that said law enforcement officer
21 promptly notifies his superiors of his possession of such prohibited
22 weapon or device.

23 (2) a. Nothing in subsection f. (1) shall be construed to prevent a
24 person from keeping such ammunition at his dwelling, premises or
25 other land owned or possessed by him, or from carrying such
26 ammunition from the place of purchase to said dwelling or land, nor
27 shall subsection f. (1) be construed to prevent any licensed retail or
28 wholesale firearms dealer from possessing such ammunition at its
29 licensed premises, provided that the seller of any such ammunition
30 shall maintain a record of the name, age and place of residence of any
31 purchaser who is not a licensed dealer, together with the date of sale
32 and quantity of ammunition sold.

33 b. Nothing in subsection f.(1) shall be construed to prevent a
34 designated ¹[. full-time security]¹ employee ¹or designated licensed
35 agent¹ for a nuclear power plant under the license of the Nuclear
36 Regulatory Commission from possessing hollow nose ammunition
37 while in the actual performance of his official duties, if the federal
38 licensee certifies that the designated employee ¹or designated licensed
39 agent¹ is assigned to perform site protection, guard, armed response
40 or armed escort duties and is appropriately trained and qualified, as
41 prescribed by federal regulation, to perform those duties.

42 (3) Nothing in paragraph (2) of subsection f. or in subsection j.
43 shall be construed to prevent any licensed retail or wholesale firearms
44 dealer from possessing that ammunition or large capacity ammunition
45 magazine at its licensed premises for sale or disposition to another
46 licensed dealer, the Armed Forces of the United States or the National

1 Guard, or to a law enforcement agency, provided that the seller
2 maintains a record of any sale or disposition to a law enforcement
3 agency. The record shall include the name of the purchasing agency,
4 together with written authorization of the chief of police or highest
5 ranking official of the agency, the name and rank of the purchasing law
6 enforcement officer, if applicable, and the date, time and amount of
7 ammunition sold or otherwise disposed. A copy of this record shall be
8 forwarded by the seller to the Superintendent of the Division of State
9 Police within 48 hours of the sale or disposition.

10 (4) Nothing in subsection a. of this section shall be construed to
11 apply to antique cannons as exempted in subsection d. of
12 N.J.S.2C:39-6.

13 (5) Nothing in subsection c. of this section shall be construed to
14 apply to any person who is specifically identified in a special deer
15 management permit issued by the Division of Fish and Wildlife to
16 utilize a firearm silencer as part of an alternative deer control method
17 implemented in accordance with a special deer management permit
18 issued pursuant to section 4 of P.L.2000, c.46 (C.23:4-42.6), while the
19 person is in the actual performance of the permitted alternative deer
20 control method and while going to and from the place where the
21 permitted alternative deer control method is being utilized. This
22 exception shall not, however, otherwise apply to any person to
23 authorize the purchase or possession of a firearm silencer.

24 h. Stun guns. Any person who knowingly has in his possession any
25 stun gun is guilty of a crime of the fourth degree.

26 i. Nothing in subsection e. of this section shall be construed to
27 prevent any guard in the employ of a private security company, who
28 is licensed to carry a firearm, from the possession of a nightstick when
29 in the actual performance of his official duties, provided that he has
30 satisfactorily completed a training course approved by the Police
31 Training Commission in the use of a nightstick.

32 j. Any person who knowingly has in his possession a large capacity
33 ammunition magazine is guilty of a crime of the fourth degree unless
34 the person has registered an assault firearm pursuant to section 11 of
35 P.L.1990, c.32 (C.2C:58-12) and the magazine is maintained and used
36 in connection with participation in competitive shooting matches
37 sanctioned by the Director of Civilian Marksmanship of the United
38 States Department of the Army.

39 k. Handcuffs. Any person who knowingly has in his possession
40 handcuffs as defined in P.L.1991, c.437 (C.2C:39-9.2), under
41 circumstances not manifestly appropriate for such lawful uses as
42 handcuffs may have, is guilty of a disorderly persons offense. A law
43 enforcement officer shall confiscate handcuffs possessed in violation
44 of the law.

45 (cf: P.L.2000, c.46, s.5)

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

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

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

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

11 (3) Members of the State Police and, under conditions prescribed
12 by the superintendent, members of the Marine Law Enforcement
13 Bureau of the Division of State Police;

14 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
15 assistant prosecutor, prosecutor's detective or investigator, deputy
16 attorney general or State investigator employed by the Division of
17 Criminal Justice of the Department of Law and Public Safety,
18 investigator employed by the State Commission of Investigation,
19 inspector of the Alcoholic Beverage Control Enforcement Bureau of
20 the Division of State Police in the Department of Law and Public
21 Safety authorized to carry such weapons by the Superintendent of
22 State Police, State park ranger, or State conservation officer;

23 (5) A prison or jail warden of any penal institution in this State or
24 his deputies, or an employee of the Department of Corrections
25 engaged in the interstate transportation of convicted offenders, while
26 in the performance of his duties, and when required to possess the
27 weapon by his superior officer, or a correction officer or keeper of a
28 penal institution in this State at all times while in the State of New
29 Jersey, provided he annually passes an examination approved by the
30 superintendent testing his proficiency in the handling of firearms;

31 (6) A civilian employee of the United States Government under the
32 supervision of the commanding officer of any post, camp, station, base
33 or other military or naval installation located in this State who is
34 required, in the performance of his official duties, to carry firearms,
35 and who is authorized to carry such firearms by said commanding
36 officer, while in the actual performance of his official duties;

37 (7) (a) A regularly employed member, including a detective, of the
38 police department of any county or municipality, or of any State,
39 interstate, municipal or county park police force or boulevard police
40 force, at all times while in the State of New Jersey;

41 (b) A special law enforcement officer authorized to carry a weapon
42 as provided in subsection b. of section 7 of P.L.1985, c.439
43 (C.40A:14-146.14);

44 (c) An airport security officer or a special law enforcement officer
45 appointed by the governing body of any county or municipality, except
46 as provided in subsection (b) of this section, or by the commission,

1 board or other body having control of a county park or airport or
2 boulevard police force, while engaged in the actual performance of his
3 official duties and when specifically authorized by the governing body
4 to carry weapons;

5 (8) A full-time, paid member of a paid or part-paid fire department
6 or force of any municipality who is assigned full-time or part-time to
7 an arson investigation unit created pursuant to section 1 of P.L.1981,
8 c.409 (C.40A:14-7.1) or to the county arson investigation unit in the
9 county prosecutor's office, while either engaged in the actual
10 performance of arson investigation duties or while actually on call to
11 perform arson investigation duties and when specifically authorized by
12 the governing body or the county prosecutor, as the case may be, to
13 carry weapons. Prior to being permitted to carry a firearm, such a
14 member shall take and successfully complete a firearms training course
15 administered by the Police Training Commission pursuant to P.L.1961,
16 c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a
17 revolver or similar weapon prior to being permitted to carry a firearm;

18 (9) A juvenile corrections officer in the employment of the Juvenile
19 Justice Commission established pursuant to section 2 of P.L.1995,
20 c.284 (C.52:17B-170) subject to the regulations promulgated by the
21 commission.

22 (10) A designated ¹[, full-time security]¹ employee ¹or designated
23 licensed agent¹ for a nuclear power plant under license of the Nuclear
24 Regulatory Commission, while in the actual performance of his official
25 duties, if the federal licensee certifies that the designated employee ¹or
26 designated licensed agent¹ is assigned to perform site protection,
27 guard, armed response or armed escort duties and is appropriately
28 trained and qualified, as prescribed by federal regulation, to perform
29 those duties. ¹Any firearm utilized by an employee or agent for a
30 nuclear power plant pursuant to this paragraph shall be returned each
31 day at the end of the employee's or agent's authorized official duties
32 to the employee's or agent's supervisor. All firearms returned each day
33 pursuant to this paragraph shall be stored in locked containers located
34 in a secure area.¹

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

36 (1) A law enforcement officer employed by a governmental agency
37 outside of the State of New Jersey while actually engaged in his
38 official duties, provided, however, that he has first notified the
39 superintendent or the chief law enforcement officer of the municipality
40 or the prosecutor of the county in which he is engaged; or

41 (2) A licensed dealer in firearms and his registered employees
42 during the course of their normal business while traveling to and from
43 their place of business and other places for the purpose of
44 demonstration, exhibition or delivery in connection with a sale,
45 provided, however, that the weapon is carried in the manner specified
46 in subsection g. of this section.

- 1 c. Provided a person complies with the requirements of subsection
2 j. of this section, subsections b. and c. of N.J.S.2C:39-5 do not apply
3 to:
- 4 (1) A special agent of the Division of Taxation who has passed an
5 examination in an approved police training program testing proficiency
6 in the handling of any firearm which he may be required to carry, while
7 in the actual performance of his official duties and while going to or
8 from his place of duty, or any other police officer, while in the actual
9 performance of his official duties;
- 10 (2) A State deputy conservation officer or a full-time employee of
11 the Division of Parks and Forestry having the power of arrest and
12 authorized to carry weapons, while in the actual performance of his
13 official duties;
- 14 (3) (Deleted by amendment, P.L.1986, c.150.)
- 15 (4) A court attendant serving as such under appointment by the
16 sheriff of the county or by the judge of any municipal court or other
17 court of this State, while in the actual performance of his official
18 duties;
- 19 (5) A guard in the employ of any railway express company,
20 banking or building and loan or savings and loan institution of this
21 State, while in the actual performance of his official duties;
- 22 (6) A member of a legally recognized military organization while
23 actually under orders or while going to or from the prescribed place
24 of meeting and carrying the weapons prescribed for drill, exercise or
25 parade;
- 26 (7) An officer of the Society for the Prevention of Cruelty to
27 Animals, while in the actual performance of his duties;
- 28 (8) An employee of a public utilities corporation actually engaged
29 in the transportation of explosives;
- 30 (9) A railway policeman, except a transit police officer of the New
31 Jersey Transit Police Department, at all times while in the State of
32 New Jersey, provided that he has passed an approved police academy
33 training program consisting of at least 280 hours. The training
34 program shall include, but need not be limited to, the handling of
35 firearms, community relations, and juvenile relations;
- 36 (10) A campus police officer appointed under P.L.1970, c.211
37 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry a
38 firearm, a campus police officer shall take and successfully complete
39 a firearms training course administered by the Police Training
40 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
41 shall annually qualify in the use of a revolver or similar weapon prior
42 to being permitted to carry a firearm;
- 43 (11) [A person who has not been convicted of a crime under the
44 laws of this State or under the laws of another state or the United
45 States, and who is employed as a full-time security guard for a nuclear
46 power plant under the license of the Nuclear Regulatory Commission,

1 while in the actual performance of his official duties;] (Deleted by
2 amendment, P.L. c. (now pending before the Legislature as this bill)).

3 (12) A transit police officer of the New Jersey Transit Police
4 Department, at all times while in the State of New Jersey, provided the
5 officer has satisfied the training requirements of the Police Training
6 Commission, pursuant to subsection c. of section 2 of P.L.1989, c.291
7 (C.27:25-15.1);

8 (13) A parole officer employed by the State Parole Board at all
9 times. Prior to being permitted to carry a firearm, a parole officer
10 shall take and successfully complete a basic course for regular police
11 officer training administered by the Police Training Commission,
12 pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually
13 qualify in the use of a revolver or similar weapon prior to being
14 permitted to carry a firearm;

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

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

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

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

32 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
33 antique firearms, provided that such antique firearms are unloaded or
34 are being fired for the purposes of exhibition or demonstration at an
35 authorized target range or in such other manner as has been approved
36 in writing by the chief law enforcement officer of the municipality in
37 which the exhibition or demonstration is held, or if not held on
38 property under the control of a particular municipality, the
39 superintendent.

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

46 (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of

1 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is
2 being transported by one eligible to possess it, in compliance with
3 regulations the superintendent may promulgate, between its permanent
4 location and place of purchase or repair.

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

14 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
15 N.J.S.2C:39-5 do not apply to the transportation of unloaded antique
16 cannons directly to or from exhibitions or demonstrations authorized
17 under paragraph (4) of subsection d. of this section, provided that the
18 transportation is in compliance with safety regulations the
19 superintendent may promulgate. Nor do those subsections apply to
20 transportation directly to or from exhibitions or demonstrations
21 authorized under the law of another jurisdiction, provided that the
22 superintendent has been given 30 days' notice and that the
23 transportation is in compliance with safety regulations the
24 superintendent may promulgate.

25 e. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be
26 construed to prevent a person keeping or carrying about his place of
27 business, residence, premises or other land owned or possessed by
28 him, any firearm, or from carrying the same, in the manner specified
29 in subsection g. of this section, from any place of purchase to his
30 residence or place of business, between his dwelling and his place of
31 business, between one place of business or residence and another when
32 moving, or between his dwelling or place of business and place where
33 such firearms are repaired, for the purpose of repair. For the purposes
34 of this section, a place of business shall be deemed to be a fixed
35 location.

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

38 (1) A member of any rifle or pistol club organized in accordance
39 with the rules prescribed by the National Board for the Promotion of
40 Rifle Practice, in going to or from a place of target practice, carrying
41 such firearms as are necessary for said target practice, provided that
42 the club has filed a copy of its charter with the superintendent and
43 annually submits a list of its members to the superintendent and
44 provided further that the firearms are carried in the manner specified
45 in subsection g. of this section;

46 (2) A person carrying a firearm or knife in the woods or fields or

1 upon the waters of this State for the purpose of hunting, target
2 practice or fishing, provided that the firearm or knife is legal and
3 appropriate for hunting or fishing purposes in this State and he has in
4 his possession a valid hunting license, or, with respect to fresh water
5 fishing, a valid fishing license;

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

7 (a) Directly to or from any place for the purpose of hunting or
8 fishing, provided the person has in his possession a valid hunting or
9 fishing license; or

10 (b) Directly to or from any target range, or other authorized place
11 for the purpose of practice, match, target, trap or skeet shooting
12 exhibitions, provided in all cases that during the course of the travel
13 all firearms are carried in the manner specified in subsection g. of this
14 section and the person has complied with all the provisions and
15 requirements of Title 23 of the Revised Statutes and any amendments
16 thereto and all rules and regulations promulgated thereunder; or

17 (c) In the case of a firearm, directly to or from any exhibition or
18 display of firearms which is sponsored by any law enforcement agency,
19 any rifle or pistol club, or any firearms collectors club, for the purpose
20 of displaying the firearms to the public or to the members of the
21 organization or club, provided, however, that not less than 30 days
22 prior to the exhibition or display, notice of the exhibition or display
23 shall be given to the Superintendent of the State Police by the
24 sponsoring organization or club, and the sponsor has complied with
25 such reasonable safety regulations as the superintendent may
26 promulgate. Any firearms transported pursuant to this section shall be
27 transported in the manner specified in subsection g. of this section;

28 (4) A person from keeping or carrying about a private or
29 commercial aircraft or any boat, or from transporting to or from such
30 vessel for the purpose of installation or repair a visual distress
31 signalling device approved by the United States Coast Guard.

32 g. All weapons being transported under paragraph (2) of
33 subsection b., subsection e., or paragraph (1) or (3) of subsection f. of
34 this section shall be carried unloaded and contained in a closed and
35 fastened case, gunbox, securely tied package, or locked in the trunk of
36 the automobile in which it is being transported, and in the course of
37 travel shall include only such deviations as are reasonably necessary
38 under the circumstances.

39 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to
40 prevent any employee of a public utility, as defined in R.S.48:2-13,
41 doing business in this State or any United States Postal Service
42 employee, while in the actual performance of duties which specifically
43 require regular and frequent visits to private premises, from
44 possessing, carrying or using any device which projects, releases or
45 emits any substance specified as being noninjurious to canines or other
46 animals by the Commissioner of Health and Senior Services and which

1 immobilizes only on a temporary basis and produces only temporary
2 physical discomfort through being vaporized or otherwise dispensed
3 in the air for the sole purpose of repelling canine or other animal
4 attacks.

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

9 Any device used pursuant to this act shall be selected from a list of
10 products, which consist of active and inert ingredients, permitted by
11 the Commissioner of Health and Senior Services.

12 i. Nothing in N.J.S.2C:39-5 shall be construed to prevent any
13 person who is 18 years of age or older and who has not been convicted
14 of a felony, from possession for the purpose of personal self-defense
15 of one pocket-sized device which contains and releases not more than
16 three-quarters of an ounce of chemical substance not ordinarily
17 capable of lethal use or of inflicting serious bodily injury, but rather,
18 is intended to produce temporary physical discomfort or disability
19 through being vaporized or otherwise dispensed in the air. Any person
20 in possession of any device in violation of this subsection shall be
21 deemed and adjudged to be a disorderly person, and upon conviction
22 thereof, shall be punished by a fine of not less than \$100.00.

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

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

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

46 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed to

1 prevent a law enforcement officer who retired in good standing,
2 including a retirement because of a disability pursuant to section 6 of
3 P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
4 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1) or any
5 substantially similar statute governing the disability retirement of
6 federal law enforcement officers, provided the officer was a regularly
7 employed, full-time law enforcement officer for an aggregate of five
8 or more years prior to his disability retirement and further provided
9 that the disability which constituted the basis for the officer's
10 retirement did not involve a certification that the officer was mentally
11 incapacitated for the performance of his usual law enforcement duties
12 and any other available duty in the department which his employer was
13 willing to assign to him or does not subject that retired officer to any
14 of the disabilities set forth in subsection c. of N.J.S.2C:58-3 which
15 would disqualify the retired officer from possessing or carrying a
16 firearm, who semi-annually qualifies in the use of the handgun he is
17 permitted to carry in accordance with the requirements and procedures
18 established by the Attorney General pursuant to subsection j. of this
19 section and pays the actual costs associated with those semi-annual
20 qualifications, who is less than 70 years of age, and who was regularly
21 employed as a full-time member of the State Police; a full-time
22 member of an interstate police force; a full-time member of a county
23 or municipal police department in this State; a full-time member of a
24 State law enforcement agency; a full-time sheriff, undersheriff or
25 sheriff's officer of a county of this State; a full-time State or county
26 corrections officer; a full-time county park police officer; a full-time
27 county prosecutor's detective or investigator; or a full-time federal law
28 enforcement officer from carrying a handgun in the same manner as
29 law enforcement officers exempted under paragraph (7) of subsection
30 a. of this section under the conditions provided herein:

31 (1) The retired law enforcement officer, within six months after
32 retirement, shall make application in writing to the Superintendent of
33 State Police for approval to carry a handgun for one year. An
34 application for annual renewal shall be submitted in the same manner.

35 (2) Upon receipt of the written application of the retired law
36 enforcement officer, the superintendent shall request a verification of
37 service from the chief law enforcement officer of the organization in
38 which the retired officer was last regularly employed as a full-time law
39 enforcement officer prior to retiring. The verification of service shall
40 include:

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

42 (b) The date that the retired officer was hired and the date that the
43 officer retired;

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

45 (d) A statement that, to the reasonable knowledge of the chief law
46 enforcement officer, the retired officer is not subject to any of the

1 restrictions set forth in subsection c. of N.J.S.2C:58-3; and

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

3 (3) If the superintendent approves a retired officer's application or
4 reapplication to carry a handgun pursuant to the provisions of this
5 subsection, the superintendent shall notify in writing the chief law
6 enforcement officer of the municipality wherein that retired officer
7 resides. In the event the retired officer resides in a municipality which
8 has no chief law enforcement officer or law enforcement agency, the
9 superintendent shall maintain a record of the approval.

10 (4) The superintendent shall issue to an approved retired officer an
11 identification card permitting the retired officer to carry a handgun
12 pursuant to this subsection. This identification card shall be valid for
13 one year from the date of issuance and shall be valid throughout the
14 State. The identification card shall not be transferable to any other
15 person. The identification card shall be carried at all times on the
16 person of the retired officer while the retired officer is carrying a
17 handgun. The retired officer shall produce the identification card for
18 review on the demand of any law enforcement officer or authority.

19 (5) Any person aggrieved by the denial of the superintendent of
20 approval for a permit to carry a handgun pursuant to this subsection
21 may request a hearing in the Superior Court of New Jersey in the
22 county in which he resides by filing a written request for such a
23 hearing within 30 days of the denial. Copies of the request shall be
24 served upon the superintendent and the county prosecutor. The
25 hearing shall be held within 30 days of the filing of the request, and no
26 formal pleading or filing fee shall be required. Appeals from the
27 determination of such a hearing shall be in accordance with law and
28 the rules governing the courts of this State.

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

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

41 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to
42 prevent duly authorized personnel of the New Jersey Division of Fish,
43 Game and Wildlife, while in the actual performance of duties, from
44 possessing, transporting or using any device that projects, releases or
45 emits any substance specified as being non-injurious to wildlife by the
46 Director of the Division of Animal Health in the Department of

1 Agriculture, and which may immobilize wildlife and produces only
2 temporary physical discomfort through being vaporized or otherwise
3 dispensed in the air for the purpose of repelling bear or other animal
4 attacks or for the aversive conditioning of wildlife.

5 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall be
6 construed to prevent duly authorized personnel of the New Jersey
7 Division of Fish, Game and Wildlife, while in the actual performance
8 of duties, from possessing, transporting or using hand held pistol-like
9 devices, rifles or shotguns that launch pyrotechnic missiles for the sole
10 purpose of frightening, hazing or aversive conditioning of nuisance or
11 depredate wildlife; from possessing, transporting or using rifles,
12 pistols or similar devices for the sole purpose of chemically
13 immobilizing wild or non-domestic animals; or, provided the duly
14 authorized person complies with the requirements of subsection j. of
15 this section, from possessing, transporting or using rifles or shotguns,
16 upon completion of a Police Training Commission approved training
17 course, in order to dispatch injured or dangerous animals or for
18 non-lethal use for the purpose of frightening, hazing or aversive
19 conditioning of nuisance or depredate wildlife.

20 (cf: P.L.2001, c.362, s.4)

21

22 3. This act shall take effect immediately.

23

24

25

26

27 _____
28 Authorizes nuclear plant guards to possess certain firearms and
ammunition.

SENATE, No. 1453

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED MAY 13, 2002

Sponsored by:

Senator LEONARD T. CONNORS, JR.

District 9 (Atlantic, Burlington and Ocean)

Senator STEPHEN M. SWEENEY

District 3 (Salem, Cumberland and Gloucester)

Co-Sponsored by:

Senator Sacco

SYNOPSIS

Authorizes nuclear plant guards to possess certain firearms and ammunition.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/20/2003)

S1453 CONNORS, SWEENEY

2

1 AN ACT concerning firearms, and amending N.J.S.2C:39-3 and
2 N.J.S.2C:39-6.

3

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

6

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

8 2C:39-3. Prohibited Weapons and Devices.

9 a. Destructive devices. Any person who knowingly has in his
10 possession any destructive device is guilty of a crime of the third
11 degree.

12 b. Sawed-off shotguns. Any person who knowingly has in his
13 possession any sawed-off shotgun is guilty of a crime of the third
14 degree.

15 c. Silencers. Any person who knowingly has in his possession any
16 firearm silencer is guilty of a crime of the fourth degree.

17 d. Defaced firearms. Any person who knowingly has in his
18 possession any firearm which has been defaced, except an antique
19 firearm or an antique handgun, is guilty of a crime of the fourth
20 degree.

21 e. Certain weapons. Any person who knowingly has in his
22 possession any gravity knife, switchblade knife, dagger, dirk, stiletto,
23 billy, blackjack, metal knuckle, sandclub, slingshot, cestus or similar
24 leather band studded with metal filings or razor blades imbedded in
25 wood, ballistic knife, without any explainable lawful purpose, is guilty
26 of a crime of the fourth degree.

27 f. Dum-dum or body armor penetrating bullets. (1) Any person,
28 other than a law enforcement officer or persons engaged in activities
29 pursuant to subsection f. of N.J.S.2C:39-6, who knowingly has in his
30 possession any hollow nose or dum-dum bullet, or (2) any person,
31 other than a collector of firearms or ammunition as curios or relics as
32 defined in Title 18, United States Code, section 921 (a) (13) and has
33 in his possession a valid Collector of Curios and Relics License issued
34 by the Bureau of Alcohol, Tobacco and Firearms, who knowingly has
35 in his possession any body armor breaching or penetrating ammunition,
36 which means: (a) ammunition primarily designed for use in a handgun,
37 and (b) which is comprised of a bullet whose core or jacket, if the
38 jacket is thicker than .025 of an inch, is made of tungsten carbide, or
39 hard bronze, or other material which is harder than a rating of 72 or
40 greater on the Rockwell B. Hardness Scale, and © is therefore capable
41 of breaching or penetrating body armor, is guilty of a crime of the
42 fourth degree. For purposes of this section, a collector may possess
43 not more than three examples of each distinctive variation of the

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

Matter underlined thus is new matter.

1 ammunition described above. A distinctive variation includes a
2 different head stamp, composition, design, or color.

3 g. Exceptions. (1) Nothing in subsection a., b., c., d., e., f., j. or
4 k. of this section shall apply to any member of the Armed Forces of the
5 United States or the National Guard, or except as otherwise provided,
6 to any law enforcement officer while actually on duty or traveling to
7 or from an authorized place of duty, provided that his possession of
8 the prohibited weapon or device has been duly authorized under the
9 applicable laws, regulations or military or law enforcement orders.
10 Nothing in subsection h. of this section shall apply to any law
11 enforcement officer who is exempted from the provisions of that
12 subsection by the Attorney General. Nothing in this section shall apply
13 to the possession of any weapon or device by a law enforcement
14 officer who has confiscated, seized or otherwise taken possession of
15 said weapon or device as evidence of the commission of a crime or
16 because he believed it to be possessed illegally by the person from
17 whom it was taken, provided that said law enforcement officer
18 promptly notifies his superiors of his possession of such prohibited
19 weapon or device.

20 (2) a. Nothing in subsection f. (1) shall be construed to prevent a
21 person from keeping such ammunition at his dwelling, premises or
22 other land owned or possessed by him, or from carrying such
23 ammunition from the place of purchase to said dwelling or land, nor
24 shall subsection f. (1) be construed to prevent any licensed retail or
25 wholesale firearms dealer from possessing such ammunition at its
26 licensed premises, provided that the seller of any such ammunition
27 shall maintain a record of the name, age and place of residence of any
28 purchaser who is not a licensed dealer, together with the date of sale
29 and quantity of ammunition sold.

30 b. Nothing in subsection f.(1) shall be construed to prevent a
31 designated, full-time security employee for a nuclear power plant
32 under the license of the Nuclear Regulatory Commission from
33 possessing hollow nose ammunition while in the actual performance of
34 his official duties, if the federal licensee certifies that the designated
35 employee is assigned to perform site protection, guard, armed
36 response or armed escort duties and is appropriately trained and
37 qualified, as prescribed by federal regulation, to perform those duties.

38 (3) Nothing in paragraph (2) of subsection f. or in subsection j.
39 shall be construed to prevent any licensed retail or wholesale firearms
40 dealer from possessing that ammunition or large capacity ammunition
41 magazine at its licensed premises for sale or disposition to another
42 licensed dealer, the Armed Forces of the United States or the National
43 Guard, or to a law enforcement agency, provided that the seller
44 maintains a record of any sale or disposition to a law enforcement
45 agency. The record shall include the name of the purchasing agency,
46 together with written authorization of the chief of police or highest

1 ranking official of the agency, the name and rank of the purchasing law
2 enforcement officer, if applicable, and the date, time and amount of
3 ammunition sold or otherwise disposed. A copy of this record shall be
4 forwarded by the seller to the Superintendent of the Division of State
5 Police within 48 hours of the sale or disposition.

6 (4) Nothing in subsection a. of this section shall be construed to
7 apply to antique cannons as exempted in subsection d. of
8 N.J.S.2C:39-6.

9 (5) Nothing in subsection c. of this section shall be construed to
10 apply to any person who is specifically identified in a special deer
11 management permit issued by the Division of Fish and Wildlife to
12 utilize a firearm silencer as part of an alternative deer control method
13 implemented in accordance with a special deer management permit
14 issued pursuant to section 4 of P.L.2000, c.46 (C.23:4-42.6), while the
15 person is in the actual performance of the permitted alternative deer
16 control method and while going to and from the place where the
17 permitted alternative deer control method is being utilized. This
18 exception shall not, however, otherwise apply to any person to
19 authorize the purchase or possession of a firearm silencer.

20 h. Stun guns. Any person who knowingly has in his possession any
21 stun gun is guilty of a crime of the fourth degree.

22 i. Nothing in subsection e. of this section shall be construed to
23 prevent any guard in the employ of a private security company, who
24 is licensed to carry a firearm, from the possession of a nightstick when
25 in the actual performance of his official duties, provided that he has
26 satisfactorily completed a training course approved by the Police
27 Training Commission in the use of a nightstick.

28 j. Any person who knowingly has in his possession a large capacity
29 ammunition magazine is guilty of a crime of the fourth degree unless
30 the person has registered an assault firearm pursuant to section 11 of
31 P.L.1990, c.32 (C.2C:58-12) and the magazine is maintained and used
32 in connection with participation in competitive shooting matches
33 sanctioned by the Director of Civilian Marksmanship of the United
34 States Department of the Army.

35 k. Handcuffs. Any person who knowingly has in his possession
36 handcuffs as defined in P.L.1991, c.437 (C.2C:39-9.2), under
37 circumstances not manifestly appropriate for such lawful uses as
38 handcuffs may have, is guilty of a disorderly persons offense. A law
39 enforcement officer shall confiscate handcuffs possessed in violation
40 of the law.

41 (cf: P.L.2000, c.46, s.5)

42

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

44 2C:39-6. a. Provided a person complies with the requirements of
45 subsection j. of this section, N.J.S.2C:39-5 does not apply to:

46 (1) Members of the Armed Forces of the United States or of the

- 1 National Guard while actually on duty, or while traveling between
2 places of duty and carrying authorized weapons in the manner
3 prescribed by the appropriate military authorities;
- 4 (2) Federal law enforcement officers, and any other federal officers
5 and employees required to carry firearms in the performance of their
6 official duties;
- 7 (3) Members of the State Police and, under conditions prescribed
8 by the superintendent, members of the Marine Law Enforcement
9 Bureau of the Division of State Police;
- 10 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
11 assistant prosecutor, prosecutor's detective or investigator, deputy
12 attorney general or State investigator employed by the Division of
13 Criminal Justice of the Department of Law and Public Safety,
14 investigator employed by the State Commission of Investigation,
15 inspector of the Alcoholic Beverage Control Enforcement Bureau of
16 the Division of State Police in the Department of Law and Public
17 Safety authorized to carry such weapons by the Superintendent of
18 State Police, State park ranger, or State conservation officer;
- 19 (5) A prison or jail warden of any penal institution in this State or
20 his deputies, or an employee of the Department of Corrections
21 engaged in the interstate transportation of convicted offenders, while
22 in the performance of his duties, and when required to possess the
23 weapon by his superior officer, or a correction officer or keeper of a
24 penal institution in this State at all times while in the State of New
25 Jersey, provided he annually passes an examination approved by the
26 superintendent testing his proficiency in the handling of firearms;
- 27 (6) A civilian employee of the United States Government under the
28 supervision of the commanding officer of any post, camp, station, base
29 or other military or naval installation located in this State who is
30 required, in the performance of his official duties, to carry firearms,
31 and who is authorized to carry such firearms by said commanding
32 officer, while in the actual performance of his official duties;
- 33 (7) (a) A regularly employed member, including a detective, of the
34 police department of any county or municipality, or of any State,
35 interstate, municipal or county park police force or boulevard police
36 force, at all times while in the State of New Jersey;
- 37 (b) A special law enforcement officer authorized to carry a weapon
38 as provided in subsection b. of section 7 of P.L.1985, c.439
39 (C.40A:14-146.14);
- 40 (c) An airport security officer or a special law enforcement officer
41 appointed by the governing body of any county or municipality, except
42 as provided in subsection (b) of this section, or by the commission,
43 board or other body having control of a county park or airport or
44 boulevard police force, while engaged in the actual performance of his
45 official duties and when specifically authorized by the governing body
46 to carry weapons;

1 (8) A full-time, paid member of a paid or part-paid fire department
2 or force of any municipality who is assigned full-time or part-time to
3 an arson investigation unit created pursuant to section 1 of P.L.1981,
4 c.409 (C.40A:14-7.1) or to the county arson investigation unit in the
5 county prosecutor's office, while either engaged in the actual
6 performance of arson investigation duties or while actually on call to
7 perform arson investigation duties and when specifically authorized by
8 the governing body or the county prosecutor, as the case may be, to
9 carry weapons. Prior to being permitted to carry a firearm, such a
10 member shall take and successfully complete a firearms training course
11 administered by the Police Training Commission pursuant to P.L.1961,
12 c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a
13 revolver or similar weapon prior to being permitted to carry a firearm;

14 (9) A juvenile corrections officer in the employment of the Juvenile
15 Justice Commission established pursuant to section 2 of P.L.1995,
16 c.284 (C.52:17B-170) subject to the regulations promulgated by the
17 commission.

18 (10) A designated, full-time security employee for a nuclear power
19 plant under license of the Nuclear Regulatory Commission, while in
20 the actual performance of his official duties, if the federal licensee
21 certifies that the designated employee is assigned to perform site
22 protection, guard, armed response or armed escort duties and is
23 appropriately trained and qualified, as prescribed by federal regulation,
24 to perform those duties.

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

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

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

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

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

- 1 (2) A State deputy conservation officer or a full-time employee of
2 the Division of Parks and Forestry having the power of arrest and
3 authorized to carry weapons, while in the actual performance of his
4 official duties;
- 5 (3) (Deleted by amendment, P.L.1986, c.150.)
- 6 (4) A court attendant serving as such under appointment by the
7 sheriff of the county or by the judge of any municipal court or other
8 court of this State, while in the actual performance of his official
9 duties;
- 10 (5) A guard in the employ of any railway express company,
11 banking or building and loan or savings and loan institution of this
12 State, while in the actual performance of his official duties;
- 13 (6) A member of a legally recognized military organization while
14 actually under orders or while going to or from the prescribed place
15 of meeting and carrying the weapons prescribed for drill, exercise or
16 parade;
- 17 (7) An officer of the Society for the Prevention of Cruelty to
18 Animals, while in the actual performance of his duties;
- 19 (8) An employee of a public utilities corporation actually engaged
20 in the transportation of explosives;
- 21 (9) A railway policeman, except a transit police officer of the New
22 Jersey Transit Police Department, at all times while in the State of
23 New Jersey, provided that he has passed an approved police academy
24 training program consisting of at least 280 hours. The training
25 program shall include, but need not be limited to, the handling of
26 firearms, community relations, and juvenile relations;
- 27 (10) A campus police officer appointed under P.L.1970, c.211
28 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry a
29 firearm, a campus police officer shall take and successfully complete
30 a firearms training course administered by the Police Training
31 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
32 shall annually qualify in the use of a revolver or similar weapon prior
33 to being permitted to carry a firearm;
- 34 (11) [A person who has not been convicted of a crime under the
35 laws of this State or under the laws of another state or the United
36 States, and who is employed as a full-time security guard for a nuclear
37 power plant under the license of the Nuclear Regulatory Commission,
38 while in the actual performance of his official duties;] (Deleted by
39 amendment, P.L. c. (now pending before the Legislature as this bill)).
- 40 (12) A transit police officer of the New Jersey Transit Police
41 Department, at all times while in the State of New Jersey, provided the
42 officer has satisfied the training requirements of the Police Training
43 Commission, pursuant to subsection c. of section 2 of P.L.1989, c.291
44 (C.27:25-15.1);
- 45 (13) A parole officer employed by the State Parole Board at all
46 times. Prior to being permitted to carry a firearm, a parole officer

1 shall take and successfully complete a basic course for regular police
2 officer training administered by the Police Training Commission,
3 pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually
4 qualify in the use of a revolver or similar weapon prior to being
5 permitted to carry a firearm;

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

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

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

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

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

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

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

42 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of
43 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded
44 or fired by one eligible to possess an antique cannon, for purposes of
45 exhibition or demonstration at an authorized target range or in the
46 manner as has been approved in writing by the chief law enforcement

1 officer of the municipality in which the exhibition or demonstration is
2 held, or if not held on property under the control of a particular
3 municipality, the superintendent, provided that performer has given at
4 least 30 days' notice to the superintendent.

5 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
6 N.J.S.2C:39-5 do not apply to the transportation of unloaded antique
7 cannons directly to or from exhibitions or demonstrations authorized
8 under paragraph (4) of subsection d. of this section, provided that the
9 transportation is in compliance with safety regulations the
10 superintendent may promulgate. Nor do those subsections apply to
11 transportation directly to or from exhibitions or demonstrations
12 authorized under the law of another jurisdiction, provided that the
13 superintendent has been given 30 days' notice and that the
14 transportation is in compliance with safety regulations the
15 superintendent may promulgate.

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

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

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

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

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

44 (a) Directly to or from any place for the purpose of hunting or
45 fishing, provided the person has in his possession a valid hunting or
46 fishing license; or

1 (b) Directly to or from any target range, or other authorized place
2 for the purpose of practice, match, target, trap or skeet shooting
3 exhibitions, provided in all cases that during the course of the travel
4 all firearms are carried in the manner specified in subsection g. of this
5 section and the person has complied with all the provisions and
6 requirements of Title 23 of the Revised Statutes and any amendments
7 thereto and all rules and regulations promulgated thereunder; or

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

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

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

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

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

1 Any device used pursuant to this act shall be selected from a list of
2 products, which consist of active and inert ingredients, permitted by
3 the Commissioner of Health and Senior Services.

4 i. Nothing in N.J.S.2C:39-5 shall be construed to prevent any
5 person who is 18 years of age or older and who has not been convicted
6 of a felony, from possession for the purpose of personal self-defense
7 of one pocket-sized device which contains and releases not more than
8 three-quarters of an ounce of chemical substance not ordinarily
9 capable of lethal use or of inflicting serious bodily injury, but rather,
10 is intended to produce temporary physical discomfort or disability
11 through being vaporized or otherwise dispensed in the air. Any person
12 in possession of any device in violation of this subsection shall be
13 deemed and adjudged to be a disorderly person, and upon conviction
14 thereof, shall be punished by a fine of not less than \$100.00.

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

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

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

38 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed to
39 prevent a law enforcement officer who retired in good standing,
40 including a retirement because of a disability pursuant to section 6 of
41 P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
42 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1) or any
43 substantially similar statute governing the disability retirement of
44 federal law enforcement officers, provided the officer was a regularly
45 employed, full-time law enforcement officer for an aggregate of five
46 or more years prior to his disability retirement and further provided

1 that the disability which constituted the basis for the officer's
2 retirement did not involve a certification that the officer was mentally
3 incapacitated for the performance of his usual law enforcement duties
4 and any other available duty in the department which his employer was
5 willing to assign to him or does not subject that retired officer to any
6 of the disabilities set forth in subsection c. of N.J.S.2C:58-3 which
7 would disqualify the retired officer from possessing or carrying a
8 firearm, who semi-annually qualifies in the use of the handgun he is
9 permitted to carry in accordance with the requirements and procedures
10 established by the Attorney General pursuant to subsection j. of this
11 section and pays the actual costs associated with those semi-annual
12 qualifications, who is less than 70 years of age, and who was regularly
13 employed as a full-time member of the State Police; a full-time
14 member of an interstate police force; a full-time member of a county
15 or municipal police department in this State; a full-time member of a
16 State law enforcement agency; a full-time sheriff, undersheriff or
17 sheriff's officer of a county of this State; a full-time State or county
18 corrections officer; a full-time county park police officer; a full-time
19 county prosecutor's detective or investigator; or a full-time federal law
20 enforcement officer from carrying a handgun in the same manner as
21 law enforcement officers exempted under paragraph (7) of subsection
22 a. of this section under the conditions provided herein:

23 (1) The retired law enforcement officer, within six months after
24 retirement, shall make application in writing to the Superintendent of
25 State Police for approval to carry a handgun for one year. An
26 application for annual renewal shall be submitted in the same manner.

27 (2) Upon receipt of the written application of the retired law
28 enforcement officer, the superintendent shall request a verification of
29 service from the chief law enforcement officer of the organization in
30 which the retired officer was last regularly employed as a full-time law
31 enforcement officer prior to retiring. The verification of service shall
32 include:

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

34 (b) The date that the retired officer was hired and the date that the
35 officer retired;

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

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

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

41 (3) If the superintendent approves a retired officer's application or
42 reapplication to carry a handgun pursuant to the provisions of this
43 subsection, the superintendent shall notify in writing the chief law
44 enforcement officer of the municipality wherein that retired officer
45 resides. In the event the retired officer resides in a municipality which
46 has no chief law enforcement officer or law enforcement agency, the

1 superintendent shall maintain a record of the approval.

2 (4) The superintendent shall issue to an approved retired officer an
3 identification card permitting the retired officer to carry a handgun
4 pursuant to this subsection. This identification card shall be valid for
5 one year from the date of issuance and shall be valid throughout the
6 State. The identification card shall not be transferable to any other
7 person. The identification card shall be carried at all times on the
8 person of the retired officer while the retired officer is carrying a
9 handgun. The retired officer shall produce the identification card for
10 review on the demand of any law enforcement officer or authority.

11 (5) Any person aggrieved by the denial of the superintendent of
12 approval for a permit to carry a handgun pursuant to this subsection
13 may request a hearing in the Superior Court of New Jersey in the
14 county in which he resides by filing a written request for such a
15 hearing within 30 days of the denial. Copies of the request shall be
16 served upon the superintendent and the county prosecutor. The
17 hearing shall be held within 30 days of the filing of the request, and no
18 formal pleading or filing fee shall be required. Appeals from the
19 determination of such a hearing shall be in accordance with law and
20 the rules governing the courts of this State.

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

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

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

43 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall be
44 construed to prevent duly authorized personnel of the New Jersey
45 Division of Fish, Game and Wildlife, while in the actual performance
46 of duties, from possessing, transporting or using hand held pistol-like

1 devices, rifles or shotguns that launch pyrotechnic missiles for the sole
2 purpose of frightening, hazing or aversive conditioning of nuisance or
3 depredating wildlife; from possessing, transporting or using rifles,
4 pistols or similar devices for the sole purpose of chemically
5 immobilizing wild or non-domestic animals; or, provided the duly
6 authorized person complies with the requirements of subsection j. of
7 this section, from possessing, transporting or using rifles or shotguns,
8 upon completion of a Police Training Commission approved training
9 course, in order to dispatch injured or dangerous animals or for
10 non-lethal use for the purpose of frightening, hazing or aversive
11 conditioning of nuisance or depredating wildlife.
12 (cf: P.L.2001, c.362, s.4)

13

14 3. This act shall take effect immediately.

15

16

17

STATEMENT

18

19 This bill would permit designated security personnel at federally
20 licensed nuclear facilities to possess, while in the actual performance
21 of their duties, certain semi-automatic weapons which, under New
22 Jersey law, are classified as assault firearms. The bill also would
23 permit designated security personnel to carry hollow nose ammunition
24 while on duty. At present, nuclear facility guards are not permitted to
25 possess such weapons or ammunition in New Jersey.

26

27 The changes proposed under this bill are designed to address the
28 specialized needs of the site protection specialists, guards, armed
29 response teams and armed escort personnel responsible for the security
of nuclear facilities in New Jersey.

ASSEMBLY HOMELAND SECURITY AND STATE
PREPAREDNESS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1453

STATE OF NEW JERSEY

DATED: JUNE 19, 2003

The Assembly Homeland Security and State Preparedness Committee reports favorably Senate Bill No. 1453 (1R).

This bill would permit designated employees and designated licensed agents at federally licensed nuclear facilities to possess, while in the actual performance of their duties, hollow nose ammunition and certain semi-automatic weapons classified as assault firearms; provided the federal licensee certifies that the employee or agent is assigned to perform site protection, guard, armed response or armed escort duties and is appropriately trained. The amendatory language in the bill addresses the specialized needs of the site protection specialists, guards, armed response teams and armed escort personnel responsible for the security of nuclear facilities in New Jersey. Currently, nuclear facility employees and licensed agents are not permitted to possess such weapons or ammunition.

This bill would also require any firearm utilized by a designated employee or agent to be returned each day at the end of the employee's or agent's authorized official duties to that person's supervisor. The bill would require all such firearms to be stored in locked containers located in secure areas.

This bill is identical to the Assembly Committee Substitute for Assembly Bill Nos. 3587/1012.

SENATE LAW AND PUBLIC SAFETY AND VETERANS'
AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 1453

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 19, 2003

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably and with committee amendments Senate Bill No. 1453.

As amended and released by the committee, this bill would permit designated employees and designated licensed agents at federally licensed nuclear facilities to possess, while in the actual performance of their duties, certain semi-automatic weapons which, under New Jersey law, are classified as assault firearms. The bill also would permit designated employees or designated license agents to carry hollow nose ammunition while on duty. At present, nuclear facility guards are not permitted to possess such weapons or ammunition in New Jersey.

The changes proposed under this bill are designed to address the specialized needs of the site protection specialists, guards, armed response teams and armed escort personnel responsible for the security of nuclear facilities in New Jersey.

The committee amended the bill to permit designated employees and designated licensed agents to possess hollow nose ammunition and assault firearms. As introduced, the bill permitted designated, full-time security personnel to possess this ammunition and these weapons. The committee amendments also require that any firearm utilized by such an employee or designated agent is to be returned each day at the end of the employee's or agent's authorized official duties to the employee's or agent's supervisor. In addition, all firearms returned each day are to be stored in locked containers located in a secure area.

ASSEMBLY, No. 3587

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED MAY 15, 2003

Sponsored by:

Assemblyman DOUGLAS H. FISHER

District 3 (Salem, Cumberland and Gloucester)

Assemblyman JOHN J. BURZICHELLI

District 3 (Salem, Cumberland and Gloucester)

SYNOPSIS

Authorizes certain firearms and ammunition for nuclear plant security personnel.

CURRENT VERSION OF TEXT

As introduced.



A3587 FISHER, BURZICHELLI

2

1 AN ACT concerning nuclear plant security, and amending N.J.S.2C:39-
2 3 and N.J.S.2C:39-6.

3

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

6

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

8 2C:39-3. Prohibited Weapons and Devices.

9 a. Destructive devices. Any person who knowingly has in his
10 possession any destructive device is guilty of a crime of the third
11 degree.

12 b. Sawed-off shotguns. Any person who knowingly has in his
13 possession any sawed-off shotgun is guilty of a crime of the third
14 degree.

15 c. Silencers. Any person who knowingly has in his possession any
16 firearm silencer is guilty of a crime of the fourth degree.

17 d. Defaced firearms. Any person who knowingly has in his
18 possession any firearm which has been defaced, except an antique
19 firearm or an antique handgun, is guilty of a crime of the fourth
20 degree.

21 e. Certain weapons. Any person who knowingly has in his
22 possession any gravity knife, switchblade knife, dagger, dirk, stiletto,
23 billy, blackjack, metal knuckle, sandclub, slingshot, cestus or similar
24 leather band studded with metal filings or razor blades imbedded in
25 wood, ballistic knife, without any explainable lawful purpose, is guilty
26 of a crime of the fourth degree.

27 f. Dum-dum or body armor penetrating bullets. (1) Any person,
28 other than a law enforcement officer or persons engaged in activities
29 pursuant to subsection f. of N.J.S.2C:39-6, who knowingly has in his
30 possession any hollow nose or dum-dum bullet, or (2) any person,
31 other than a collector of firearms or ammunition as curios or relics as
32 defined in Title 18, United States Code, section 921 (a) (13) and has
33 in his possession a valid Collector of Curios and Relics License issued
34 by the Bureau of Alcohol, Tobacco and Firearms, who knowingly has
35 in his possession any body armor breaching or penetrating ammunition,
36 which means: (a) ammunition primarily designed for use in a handgun,
37 and (b) which is comprised of a bullet whose core or jacket, if the
38 jacket is thicker than .025 of an inch, is made of tungsten carbide, or
39 hard bronze, or other material which is harder than a rating of 72 or
40 greater on the Rockwell B. Hardness Scale, and © is therefore capable
41 of breaching or penetrating body armor, is guilty of a crime of the
42 fourth degree. For purposes of this section, a collector may possess
43 not more than three examples of each distinctive variation of the

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

Matter underlined thus is new matter.

1 ammunition described above. A distinctive variation includes a
2 different head stamp, composition, design, or color.

3 g. Exceptions. (1) Nothing in subsection a., b., c., d., e., f., j. or
4 k. of this section shall apply to any member of the Armed Forces of the
5 United States or the National Guard, or except as otherwise provided,
6 to any law enforcement officer while actually on duty or traveling to
7 or from an authorized place of duty, provided that his possession of
8 the prohibited weapon or device has been duly authorized under the
9 applicable laws, regulations or military or law enforcement orders.
10 Nothing in subsection h. of this section shall apply to any law
11 enforcement officer who is exempted from the provisions of that
12 subsection by the Attorney General. Nothing in this section shall apply
13 to the possession of any weapon or device by a law enforcement
14 officer who has confiscated, seized or otherwise taken possession of
15 said weapon or device as evidence of the commission of a crime or
16 because he believed it to be possessed illegally by the person from
17 whom it was taken, provided that said law enforcement officer
18 promptly notifies his superiors of his possession of such prohibited
19 weapon or device.

20 (2) a. Nothing in subsection f. (1) shall be construed to prevent a
21 person from keeping such ammunition at his dwelling, premises or
22 other land owned or possessed by him, or from carrying such
23 ammunition from the place of purchase to said dwelling or land, nor
24 shall subsection f. (1) be construed to prevent any licensed retail or
25 wholesale firearms dealer from possessing such ammunition at its
26 licensed premises, provided that the seller of any such ammunition
27 shall maintain a record of the name, age and place of residence of any
28 purchaser who is not a licensed dealer, together with the date of sale
29 and quantity of ammunition sold.

30 b. Nothing in subsection f.(1) shall be construed to prevent a
31 designated, full-time security employee for a nuclear power plant
32 under the license of the Nuclear Regulatory Commission from
33 possessing hollow nose ammunition while in the actual performance of
34 his official duties, if the federal licensee certifies that the designated
35 employee is assigned to perform site protection, guard, armed
36 response or armed escort duties and is appropriately trained and
37 qualified, as prescribed by federal regulation, to perform those duties.

38 (3) Nothing in paragraph (2) of subsection f. or in subsection j.
39 shall be construed to prevent any licensed retail or wholesale firearms
40 dealer from possessing that ammunition or large capacity ammunition
41 magazine at its licensed premises for sale or disposition to another
42 licensed dealer, the Armed Forces of the United States or the National
43 Guard, or to a law enforcement agency, provided that the seller
44 maintains a record of any sale or disposition to a law enforcement
45 agency. The record shall include the name of the purchasing agency,
46 together with written authorization of the chief of police or highest

1 ranking official of the agency, the name and rank of the purchasing law
2 enforcement officer, if applicable, and the date, time and amount of
3 ammunition sold or otherwise disposed. A copy of this record shall be
4 forwarded by the seller to the Superintendent of the Division of State
5 Police within 48 hours of the sale or disposition.

6 (4) Nothing in subsection a. of this section shall be construed to
7 apply to antique cannons as exempted in subsection d. of
8 N.J.S.2C:39-6.

9 (5) Nothing in subsection c. of this section shall be construed to
10 apply to any person who is specifically identified in a special deer
11 management permit issued by the Division of Fish and Wildlife to
12 utilize a firearm silencer as part of an alternative deer control method
13 implemented in accordance with a special deer management permit
14 issued pursuant to section 4 of P.L.2000, c.46 (C.23:4-42.6), while the
15 person is in the actual performance of the permitted alternative deer
16 control method and while going to and from the place where the
17 permitted alternative deer control method is being utilized. This
18 exception shall not, however, otherwise apply to any person to
19 authorize the purchase or possession of a firearm silencer.

20 h. Stun guns. Any person who knowingly has in his possession any
21 stun gun is guilty of a crime of the fourth degree.

22 i. Nothing in subsection e. of this section shall be construed to
23 prevent any guard in the employ of a private security company, who
24 is licensed to carry a firearm, from the possession of a nightstick when
25 in the actual performance of his official duties, provided that he has
26 satisfactorily completed a training course approved by the Police
27 Training Commission in the use of a nightstick.

28 j. Any person who knowingly has in his possession a large capacity
29 ammunition magazine is guilty of a crime of the fourth degree unless
30 the person has registered an assault firearm pursuant to section 11 of
31 P.L.1990, c.32 (C.2C:58-12) and the magazine is maintained and used
32 in connection with participation in competitive shooting matches
33 sanctioned by the Director of Civilian Marksmanship of the United
34 States Department of the Army.

35 k. Handcuffs. Any person who knowingly has in his possession
36 handcuffs as defined in P.L.1991, c.437 (C.2C:39-9.2), under
37 circumstances not manifestly appropriate for such lawful uses as
38 handcuffs may have, is guilty of a disorderly persons offense. A law
39 enforcement officer shall confiscate handcuffs possessed in violation
40 of the law.

41 (cf: P.L.2000, c.46, s.5)

42

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

44 2C:39-6. a. Provided a person complies with the requirements of
45 subsection j. of this section, N.J.S.2C:39-5 does not apply to:

46 (1) Members of the Armed Forces of the United States or of the

- 1 National Guard while actually on duty, or while traveling between
2 places of duty and carrying authorized weapons in the manner
3 prescribed by the appropriate military authorities;
- 4 (2) Federal law enforcement officers, and any other federal officers
5 and employees required to carry firearms in the performance of their
6 official duties;
- 7 (3) Members of the State Police and, under conditions prescribed
8 by the superintendent, members of the Marine Law Enforcement
9 Bureau of the Division of State Police;
- 10 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
11 assistant prosecutor, prosecutor's detective or investigator, deputy
12 attorney general or State investigator employed by the Division of
13 Criminal Justice of the Department of Law and Public Safety,
14 investigator employed by the State Commission of Investigation,
15 inspector of the Alcoholic Beverage Control Enforcement Bureau of
16 the Division of State Police in the Department of Law and Public
17 Safety authorized to carry such weapons by the Superintendent of
18 State Police, State park ranger, or State conservation officer;
- 19 (5) A prison or jail warden of any penal institution in this State or
20 his deputies, or an employee of the Department of Corrections
21 engaged in the interstate transportation of convicted offenders, while
22 in the performance of his duties, and when required to possess the
23 weapon by his superior officer, or a correction officer or keeper of a
24 penal institution in this State at all times while in the State of New
25 Jersey, provided he annually passes an examination approved by the
26 superintendent testing his proficiency in the handling of firearms;
- 27 (6) A civilian employee of the United States Government under the
28 supervision of the commanding officer of any post, camp, station, base
29 or other military or naval installation located in this State who is
30 required, in the performance of his official duties, to carry firearms,
31 and who is authorized to carry such firearms by said commanding
32 officer, while in the actual performance of his official duties;
- 33 (7) (a) A regularly employed member, including a detective, of the
34 police department of any county or municipality, or of any State,
35 interstate, municipal or county park police force or boulevard police
36 force, at all times while in the State of New Jersey;
- 37 (b) A special law enforcement officer authorized to carry a weapon
38 as provided in subsection b. of section 7 of P.L.1985, c.439
39 (C.40A:14-146.14);
- 40 (c) An airport security officer or a special law enforcement officer
41 appointed by the governing body of any county or municipality, except
42 as provided in subsection (b) of this section, or by the commission,
43 board or other body having control of a county park or airport or
44 boulevard police force, while engaged in the actual performance of his
45 official duties and when specifically authorized by the governing body
46 to carry weapons;

1 (8) A full-time, paid member of a paid or part-paid fire department
2 or force of any municipality who is assigned full-time or part-time to
3 an arson investigation unit created pursuant to section 1 of P.L.1981,
4 c.409 (C.40A:14-7.1) or to the county arson investigation unit in the
5 county prosecutor's office, while either engaged in the actual
6 performance of arson investigation duties or while actually on call to
7 perform arson investigation duties and when specifically authorized by
8 the governing body or the county prosecutor, as the case may be, to
9 carry weapons. Prior to being permitted to carry a firearm, such a
10 member shall take and successfully complete a firearms training course
11 administered by the Police Training Commission pursuant to P.L.1961,
12 c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a
13 revolver or similar weapon prior to being permitted to carry a firearm;

14 (9) A juvenile corrections officer in the employment of the Juvenile
15 Justice Commission established pursuant to section 2 of P.L.1995,
16 c.284 (C.52:17B-170) subject to the regulations promulgated by the
17 commission.

18 (10) A designated, full-time security employee for a nuclear power
19 plant under license of the Nuclear Regulatory Commission, while in
20 the actual performance of his official duties, if the federal licensee
21 certifies that the designated employee is assigned to perform site
22 protection, guard, armed response or armed escort duties and is
23 appropriately trained and qualified, as prescribed by federal regulation,
24 to perform those duties.

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

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

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

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

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

46 (2) A State deputy conservation officer or a full-time employee of

1 the Division of Parks and Forestry having the power of arrest and
2 authorized to carry weapons, while in the actual performance of his
3 official duties;

4 (3) (Deleted by amendment, P.L.1986, c.150.)

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

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

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

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

18 (8) An employee of a public utilities corporation actually engaged
19 in the transportation of explosives;

20 (9) A railway policeman, except a transit police officer of the New
21 Jersey Transit Police Department, at all times while in the State of
22 New Jersey, provided that he has passed an approved police academy
23 training program consisting of at least 280 hours. The training
24 program shall include, but need not be limited to, the handling of
25 firearms, community relations, and juvenile relations;

26 (10) A campus police officer appointed under P.L.1970, c.211
27 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry a
28 firearm, a campus police officer shall take and successfully complete
29 a firearms training course administered by the Police Training
30 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
31 shall annually qualify in the use of a revolver or similar weapon prior
32 to being permitted to carry a firearm;

33 (11) [A person who has not been convicted of a crime under the
34 laws of this State or under the laws of another state or the United
35 States, and who is employed as a full-time security guard for a nuclear
36 power plant under the license of the Nuclear Regulatory Commission,
37 while in the actual performance of his official duties;] (Deleted by
38 amendment, P.L. c. (now pending before the Legislature as this
39 bill)).

40 (12) A transit police officer of the New Jersey Transit Police
41 Department, at all times while in the State of New Jersey, provided the
42 officer has satisfied the training requirements of the Police Training
43 Commission, pursuant to subsection c. of section 2 of P.L.1989, c.291
44 (C.27:25-15.1);

45 (13) A parole officer employed by the State Parole Board at all
46 times. Prior to being permitted to carry a firearm, a parole officer

1 shall take and successfully complete a basic course for regular police
2 officer training administered by the Police Training Commission,
3 pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually
4 qualify in the use of a revolver or similar weapon prior to being
5 permitted to carry a firearm;

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

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

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

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

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

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

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

42 (4) Subsection a. of N.J.S.2C:39-3 and subsection d. of
43 N.J.S.2C:39-5 do not apply to antique cannons that are being loaded
44 or fired by one eligible to possess an antique cannon, for purposes of
45 exhibition or demonstration at an authorized target range or in the
46 manner as has been approved in writing by the chief law enforcement

1 officer of the municipality in which the exhibition or demonstration is
2 held, or if not held on property under the control of a particular
3 municipality, the superintendent, provided that performer has given at
4 least 30 days' notice to the superintendent.

5 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
6 N.J.S.2C:39-5 do not apply to the transportation of unloaded antique
7 cannons directly to or from exhibitions or demonstrations authorized
8 under paragraph (4) of subsection d. of this section, provided that the
9 transportation is in compliance with safety regulations the
10 superintendent may promulgate. Nor do those subsections apply to
11 transportation directly to or from exhibitions or demonstrations
12 authorized under the law of another jurisdiction, provided that the
13 superintendent has been given 30 days' notice and that the
14 transportation is in compliance with safety regulations the
15 superintendent may promulgate.

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

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

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

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

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

44 (a) Directly to or from any place for the purpose of hunting or
45 fishing, provided the person has in his possession a valid hunting or
46 fishing license; or

1 (b) Directly to or from any target range, or other authorized place
2 for the purpose of practice, match, target, trap or skeet shooting
3 exhibitions, provided in all cases that during the course of the travel
4 all firearms are carried in the manner specified in subsection g. of this
5 section and the person has complied with all the provisions and
6 requirements of Title 23 of the Revised Statutes and any amendments
7 thereto and all rules and regulations promulgated thereunder; or

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

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

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

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

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

46 Any device used pursuant to this act shall be selected from a list of

1 products, which consist of active and inert ingredients, permitted by
2 the Commissioner of Health and Senior Services.

3 i. Nothing in N.J.S.2C:39-5 shall be construed to prevent any
4 person who is 18 years of age or older and who has not been convicted
5 of a felony, from possession for the purpose of personal self-defense
6 of one pocket-sized device which contains and releases not more than
7 three-quarters of an ounce of chemical substance not ordinarily
8 capable of lethal use or of inflicting serious bodily injury, but rather,
9 is intended to produce temporary physical discomfort or disability
10 through being vaporized or otherwise dispensed in the air. Any person
11 in possession of any device in violation of this subsection shall be
12 deemed and adjudged to be a disorderly person, and upon conviction
13 thereof, shall be punished by a fine of not less than \$100.00.

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

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

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

37 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed to
38 prevent a law enforcement officer who retired in good standing,
39 including a retirement because of a disability pursuant to section 6 of
40 P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
41 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1) or any
42 substantially similar statute governing the disability retirement of
43 federal law enforcement officers, provided the officer was a regularly
44 employed, full-time law enforcement officer for an aggregate of five
45 or more years prior to his disability retirement and further provided
46 that the disability which constituted the basis for the officer's

1 retirement did not involve a certification that the officer was mentally
2 incapacitated for the performance of his usual law enforcement duties
3 and any other available duty in the department which his employer was
4 willing to assign to him or does not subject that retired officer to any
5 of the disabilities set forth in subsection c. of N.J.S.2C:58-3 which
6 would disqualify the retired officer from possessing or carrying a
7 firearm, who semi-annually qualifies in the use of the handgun he is
8 permitted to carry in accordance with the requirements and procedures
9 established by the Attorney General pursuant to subsection j. of this
10 section and pays the actual costs associated with those semi-annual
11 qualifications, who is less than 70 years of age, and who was regularly
12 employed as a full-time member of the State Police; a full-time
13 member of an interstate police force; a full-time member of a county
14 or municipal police department in this State; a full-time member of a
15 State law enforcement agency; a full-time sheriff, undersheriff or
16 sheriff's officer of a county of this State; a full-time State or county
17 corrections officer; a full-time county park police officer; a full-time
18 county prosecutor's detective or investigator; or a full-time federal law
19 enforcement officer from carrying a handgun in the same manner as
20 law enforcement officers exempted under paragraph (7) of subsection
21 a. of this section under the conditions provided herein:

22 (1) The retired law enforcement officer, within six months after
23 retirement, shall make application in writing to the Superintendent of
24 State Police for approval to carry a handgun for one year. An
25 application for annual renewal shall be submitted in the same manner.

26 (2) Upon receipt of the written application of the retired law
27 enforcement officer, the superintendent shall request a verification of
28 service from the chief law enforcement officer of the organization in
29 which the retired officer was last regularly employed as a full-time law
30 enforcement officer prior to retiring. The verification of service shall
31 include:

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

33 (b) The date that the retired officer was hired and the date that the
34 officer retired;

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

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

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

40 (3) If the superintendent approves a retired officer's application or
41 reapplication to carry a handgun pursuant to the provisions of this
42 subsection, the superintendent shall notify in writing the chief law
43 enforcement officer of the municipality wherein that retired officer
44 resides. In the event the retired officer resides in a municipality which
45 has no chief law enforcement officer or law enforcement agency, the
46 superintendent shall maintain a record of the approval.

1 (4) The superintendent shall issue to an approved retired officer an
2 identification card permitting the retired officer to carry a handgun
3 pursuant to this subsection. This identification card shall be valid for
4 one year from the date of issuance and shall be valid throughout the
5 State. The identification card shall not be transferable to any other
6 person. The identification card shall be carried at all times on the
7 person of the retired officer while the retired officer is carrying a
8 handgun. The retired officer shall produce the identification card for
9 review on the demand of any law enforcement officer or authority.

10 (5) Any person aggrieved by the denial of the superintendent of
11 approval for a permit to carry a handgun pursuant to this subsection
12 may request a hearing in the Superior Court of New Jersey in the
13 county in which he resides by filing a written request for such a
14 hearing within 30 days of the denial. Copies of the request shall be
15 served upon the superintendent and the county prosecutor. The
16 hearing shall be held within 30 days of the filing of the request, and no
17 formal pleading or filing fee shall be required. Appeals from the
18 determination of such a hearing shall be in accordance with law and
19 the rules governing the courts of this State.

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

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

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

42 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall be
43 construed to prevent duly authorized personnel of the New Jersey
44 Division of Fish, Game and Wildlife, while in the actual performance
45 of duties, from possessing, transporting or using hand held pistol-like
46 devices, rifles or shotguns that launch pyrotechnic missiles for the sole

1 purpose of frightening, hazing or aversive conditioning of nuisance or
2 depredating wildlife; from possessing, transporting or using rifles,
3 pistols or similar devices for the sole purpose of chemically
4 immobilizing wild or non-domestic animals; or, provided the duly
5 authorized person complies with the requirements of subsection j. of
6 this section, from possessing, transporting or using rifles or shotguns,
7 upon completion of a Police Training Commission approved training
8 course, in order to dispatch injured or dangerous animals or for
9 non-lethal use for the purpose of frightening, hazing or aversive
10 conditioning of nuisance or depredating wildlife.

11 (cf: P.L.2001, c.362, s.4)

12

13 3. This act shall take effect the first day of the second month
14 following enactment.

15

16

17

STATEMENT

18

19 This bill would permit designated security personnel at federally
20 licensed nuclear facilities to possess, while in the actual performance
21 of their duties, certain semi-automatic weapons which, under New
22 Jersey law, are classified as assault firearms. The bill also would
23 permit designated security personnel to carry hollow nose ammunition
24 while on duty. At present, nuclear facility guards are not permitted to
25 possess such weapons or ammunition in New Jersey.

26 The changes proposed under this bill are designed to address the
27 specialized needs of the site protection specialists, guards, armed
28 response teams and armed escort personnel responsible for the security
29 of nuclear facilities in New Jersey.

ASSEMBLY, No. 1012

STATE OF NEW JERSEY 210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

Sponsored by:

Assemblyman JEFFREY W. MORAN

District 9 (Atlantic, Burlington and Ocean)

Assemblyman CHRISTOPHER J. CONNORS

District 9 (Atlantic, Burlington and Ocean)

SYNOPSIS

Authorizes nuclear plant guards to possess certain firearms and ammunition.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



A1012 MORAN, CONNORS

2

1 AN ACT concerning firearms, and amending N.J.S.2C:39-3 and
2 N.J.S.2C:39-6.

3

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

6

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

8 2C:39-3. Prohibited Weapons and Devices.

9 a. Destructive devices. Any person who knowingly has in his
10 possession any destructive device is guilty of a crime of the third
11 degree.

12 b. Sawed-off shotguns. Any person who knowingly has in his
13 possession any sawed-off shotgun is guilty of a crime of the third
14 degree.

15 c. Silencers. Any person who knowingly has in his possession any
16 firearm silencer is guilty of a crime of the fourth degree.

17 d. Defaced firearms. Any person who knowingly has in his
18 possession any firearm which has been defaced, except an antique
19 firearm or an antique handgun, is guilty of a crime of the fourth
20 degree.

21 e. Certain weapons. Any person who knowingly has in his
22 possession any gravity knife, switchblade knife, dagger, dirk, stiletto,
23 billy, blackjack, metal knuckle, sandclub, slingshot, cestus or similar
24 leather band studded with metal filings or razor blades imbedded in
25 wood, ballistic knife, without any explainable lawful purpose, is guilty
26 of a crime of the fourth degree.

27 f. Dum-dum or body armor penetrating bullets. (1) Any person,
28 other than a law enforcement officer or persons engaged in activities
29 pursuant to subsection f. of N.J.S.2C:39-6, who knowingly has in his
30 possession any hollow nose or dum-dum bullet, or (2) any person,
31 other than a collector of firearms or ammunition as curios or relics as
32 defined in Title 18, United States Code, section 921 (a) (13) and has
33 in his possession a valid Collector of Curios and Relics License issued
34 by the Bureau of Alcohol, Tobacco and Firearms, who knowingly has
35 in his possession any body armor breaching or penetrating ammunition,
36 which means: (a) ammunition primarily designed for use in a handgun,
37 and (b) which is comprised of a bullet whose core or jacket, if the
38 jacket is thicker than .025 of an inch, is made of tungsten carbide, or
39 hard bronze, or other material which is harder than a rating of 72 or
40 greater on the Rockwell B. Hardness Scale, and © is therefore capable
41 of breaching or penetrating body armor, is guilty of a crime of the
42 fourth degree. For purposes of this section, a collector may possess
43 not more than three examples of each distinctive variation of the

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

Matter underlined thus is new matter.

1 ammunition described above. A distinctive variation includes a
2 different head stamp, composition, design, or color.

3 g. Exceptions. (1) Nothing in subsection a., b., c., d., e., f., j. or
4 k. of this section shall apply to any member of the Armed Forces of the
5 United States or the National Guard, or except as otherwise provided,
6 to any law enforcement officer while actually on duty or traveling to
7 or from an authorized place of duty, provided that his possession of
8 the prohibited weapon or device has been duly authorized under the
9 applicable laws, regulations or military or law enforcement orders.
10 Nothing in subsection h. of this section shall apply to any law
11 enforcement officer who is exempted from the provisions of that
12 subsection by the Attorney General. Nothing in this section shall apply
13 to the possession of any weapon or device by a law enforcement
14 officer who has confiscated, seized or otherwise taken possession of
15 said weapon or device as evidence of the commission of a crime or
16 because he believed it to be possessed illegally by the person from
17 whom it was taken, provided that said law enforcement officer
18 promptly notifies his superiors of his possession of such prohibited
19 weapon or device.

20 (2) a. Nothing in subsection f. (1) shall be construed to prevent a
21 person from keeping such ammunition at his dwelling, premises or
22 other land owned or possessed by him, or from carrying such
23 ammunition from the place of purchase to said dwelling or land, nor
24 shall subsection f. (1) be construed to prevent any licensed retail or
25 wholesale firearms dealer from possessing such ammunition at its
26 licensed premises, provided that the seller of any such ammunition
27 shall maintain a record of the name, age and place of residence of any
28 purchaser who is not a licensed dealer, together with the date of sale
29 and quantity of ammunition sold.

30 b. Nothing in subsection f.(1) shall be construed to prevent a
31 designated, full-time security employee for a nuclear power plant
32 under the license of the Nuclear Regulatory Commission from
33 possessing hollow nose ammunition while in the actual performance of
34 his official duties, if the federal licensee certifies that the designated
35 employee is assigned to perform site protection, guard, armed
36 response or armed escort duties and is appropriately trained and
37 qualified, as prescribed by federal regulation, to perform those duties.

38 (3) Nothing in paragraph (2) of subsection f. or in subsection j.
39 shall be construed to prevent any licensed retail or wholesale firearms
40 dealer from possessing that ammunition or large capacity ammunition
41 magazine at its licensed premises for sale or disposition to another
42 licensed dealer, the Armed Forces of the United States or the National
43 Guard, or to a law enforcement agency, provided that the seller
44 maintains a record of any sale or disposition to a law enforcement
45 agency. The record shall include the name of the purchasing agency,
46 together with written authorization of the chief of police or highest

1 ranking official of the agency, the name and rank of the purchasing law
2 enforcement officer, if applicable, and the date, time and amount of
3 ammunition sold or otherwise disposed. A copy of this record shall be
4 forwarded by the seller to the Superintendent of the Division of State
5 Police within 48 hours of the sale or disposition.

6 (4) Nothing in subsection a. of this section shall be construed to
7 apply to antique cannons as exempted in subsection d. of
8 N.J.S.2C:39-6.

9 (5) Nothing in subsection c. of this section shall be construed to
10 apply to any person who is specifically identified in a special deer
11 management permit issued by the Division of Fish and Wildlife to
12 utilize a firearm silencer as part of an alternative deer control method
13 implemented in accordance with a special deer management permit
14 issued pursuant to section 4 of P.L.2000, c.46 (C.23:4-42.6), while the
15 person is in the actual performance of the permitted alternative deer
16 control method and while going to and from the place where the
17 permitted alternative deer control method is being utilized. This
18 exception shall not, however, otherwise apply to any person to
19 authorize the purchase or possession of a firearm silencer.

20 h. Stun guns. Any person who knowingly has in his possession
21 any stun gun is guilty of a crime of the fourth degree.

22 i. Nothing in subsection e. of this section shall be construed to
23 prevent any guard in the employ of a private security company, who
24 is licensed to carry a firearm, from the possession of a nightstick when
25 in the actual performance of his official duties, provided that he has
26 satisfactorily completed a training course approved by the Police
27 Training Commission in the use of a nightstick.

28 j. Any person who knowingly has in his possession a large
29 capacity ammunition magazine is guilty of a crime of the fourth degree
30 unless the person has registered an assault firearm pursuant to section
31 11 of P.L.1990, c.32 (C.2C:58-12) and the magazine is maintained and
32 used in connection with participation in competitive shooting matches
33 sanctioned by the Director of Civilian Marksmanship of the United
34 States Department of the Army.

35 k. Handcuffs. Any person who knowingly has in his possession
36 handcuffs as defined in P.L.1991, c.437 (C.2C:39-9.2), under
37 circumstances not manifestly appropriate for such lawful uses as
38 handcuffs may have, is guilty of a disorderly persons offense. A law
39 enforcement officer shall confiscate handcuffs possessed in violation
40 of the law.

41 (cf: P.L. 2000, c.46, s.5)

42

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

44 2C:39-6. a. Provided a person complies with the requirements of
45 subsection j. of this section, N.J.S.2C:39-5 does not apply to:

46 (1) Members of the Armed Forces of the United States or of the

1 National Guard while actually on duty, or while traveling between
2 places of duty and carrying authorized weapons in the manner
3 prescribed by the appropriate military authorities;

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

7 (3) Members of the State Police and, under conditions prescribed
8 by the superintendent, members of the Marine Law Enforcement
9 Bureau of the Division of State Police;

10 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
11 assistant prosecutor, prosecutor's detective or investigator, deputy
12 attorney general or State investigator employed by the Division of
13 Criminal Justice of the Department of Law and Public Safety,
14 investigator employed by the State Commission of Investigation,
15 inspector of the Alcoholic Beverage Control Enforcement Bureau of
16 the Division of State Police in the Department of Law and Public
17 Safety authorized to carry such weapons by the Superintendent of
18 State Police, State park ranger, or State conservation officer;

19 (5) A prison or jail warden of any penal institution in this State or
20 his deputies, or an employee of the Department of Corrections
21 engaged in the interstate transportation of convicted offenders, while
22 in the performance of his duties, and when required to possess the
23 weapon by his superior officer, or a correction officer or keeper of a
24 penal institution in this State at all times while in the State of New
25 Jersey, provided he annually passes an examination approved by the
26 superintendent testing his proficiency in the handling of firearms;

27 (6) A civilian employee of the United States Government under the
28 supervision of the commanding officer of any post, camp, station, base
29 or other military or naval installation located in this State who is
30 required, in the performance of his official duties, to carry firearms,
31 and who is authorized to carry such firearms by said commanding
32 officer, while in the actual performance of his official duties;

33 (7) (a) A regularly employed member, including a detective, of the
34 police department of any county or municipality, or of any State,
35 interstate, municipal or county park police force or boulevard police
36 force, at all times while in the State of New Jersey;

37 (b) A special law enforcement officer authorized to carry a weapon
38 as provided in subsection b. of section 7 of P.L.1985, c.439
39 (C.40A:14-146.14);

40 (c) An airport security officer or a special law enforcement officer
41 appointed by the governing body of any county or municipality, except
42 as provided in subsection b. of this section, or by the commission,
43 board or other body having control of a county park or airport or
44 boulevard police force, while engaged in the actual performance of his
45 official duties and when specifically authorized by the governing body
46 to carry weapons;

1 (8) A full-time, paid member of a paid or part-paid fire department
2 or force of any municipality who is assigned full-time or part-time to
3 an arson investigation unit created pursuant to section 1 of P.L.1981,
4 c.409 (C.40A:14-7.1) or to the county arson investigation unit in the
5 county prosecutor's office, while either engaged in the actual
6 performance of arson investigation duties or while actually on call to
7 perform arson investigation duties and when specifically authorized by
8 the governing body or the county prosecutor, as the case may be, to
9 carry weapons. Prior to being permitted to carry a firearm, such a
10 member shall take and successfully complete a firearms training course
11 administered by the Police Training Commission pursuant to P.L.1961,
12 c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a
13 revolver or similar weapon prior to being permitted to carry a firearm;

14 (9) A juvenile corrections officer in the employment of the Juvenile
15 Justice Commission established pursuant to section 2 of P.L.1995,
16 c.284 (C.52:17B-170) subject to the regulations promulgated by the
17 commission.

18 (10) A designated, full-time security employee for a nuclear power
19 plant under license of the Nuclear Regulatory Commission, while in
20 the actual performance of his official duties, if the federal licensee
21 certifies that the designated employee is assigned to perform site
22 protection, guard, armed response or armed escort duties and is
23 appropriately trained and qualified, as prescribed by federal regulation,
24 to perform those duties.

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

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

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

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

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

46 (2) A State deputy conservation officer or a full-time employee of

A1012 MORAN, CONNORS

1 the Division of Parks and Forestry having the power of arrest and
2 authorized to carry weapons, while in the actual performance of his
3 official duties;

4 (3) (Deleted by amendment, P.L.1986, c.150.)

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

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

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

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

18 (8) An employee of a public utilities corporation actually engaged
19 in the transportation of explosives;

20 (9) A railway policeman, except a transit police officer of the New
21 Jersey Transit Police Department, at all times while in the State of
22 New Jersey, provided that he has passed an approved police academy
23 training program consisting of at least 280 hours. The training
24 program shall include, but need not be limited to, the handling of
25 firearms, community relations, and juvenile relations;

26 (10) A campus police officer appointed under P.L.1970, c.211
27 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry a
28 firearm, a campus police officer shall take and successfully complete
29 a firearms training course administered by the Police Training
30 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
31 shall annually qualify in the use of a revolver or similar weapon prior
32 to being permitted to carry a firearm;

33 (11) [A person who has not been convicted of a crime under the
34 laws of this State or under the laws of another state or the United
35 States, and who is employed as a full-time security guard for a nuclear
36 power plant under the license of the Nuclear Regulatory Commission,
37 while in the actual performance of his official duties;] (Deleted by
38 amendment, P.L. c. (now pending before the Legislature as this
39 bill)).

40 (12) A transit police officer of the New Jersey Transit Police
41 Department, at all times while in the State of New Jersey, provided the
42 officer has satisfied the training requirements of the Police Training
43 Commission, pursuant to subsection c. of section 2 of P.L.1989, c.291
44 (C.27:25-15.1);

45 (13) A parole officer employed by the State Parole Board at all
46 times. Prior to being permitted to carry a firearm, a parole officer

1 shall take and successfully complete a basic course for regular police
2 officer training administered by the Police Training Commission,
3 pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually
4 qualify in the use of a revolver or similar weapon prior to being
5 permitted to carry a firearm;

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

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

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

14 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
15 antique firearms, provided that such antique firearms are unloaded or
16 are being fired for the purposes of exhibition or demonstration at an
17 authorized target range or in such other manner as has been approved
18 in writing by the chief law enforcement officer of the municipality in
19 which the exhibition or demonstration is held, or if not held on
20 property under the control of a particular municipality, the
21 superintendent.

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

28 (3) 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 unloaded antique cannon that is
30 being transported by one eligible to possess it, in compliance with
31 regulations the superintendent may promulgate, between its permanent
32 location and place of purchase or repair.

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

42 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
43 N.J.S.2C:39-5 do not apply to the transportation of unloaded antique
44 cannons directly to or from exhibitions or demonstrations authorized
45 under paragraph (4) of subsection d. of this section, provided that the
46 transportation is in compliance with safety regulations the

1 superintendent may promulgate. Nor do those subsections apply to
2 transportation directly to or from exhibitions or demonstrations
3 authorized under the law of another jurisdiction, provided that the
4 superintendent has been given 30 days' notice and that the
5 transportation is in compliance with safety regulations the
6 superintendent may promulgate.

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

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

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

28 (2) A person carrying a firearm or knife in the woods or fields or
29 upon the waters of this State for the purpose of hunting, target
30 practice or fishing, provided that the firearm or knife is legal and
31 appropriate for hunting or fishing purposes in this State and he has in
32 his possession a valid hunting license, or, with respect to fresh water
33 fishing, a valid fishing license;

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

35 (a) Directly to or from any place for the purpose of hunting or
36 fishing, provided the person has in his possession a valid hunting or
37 fishing license; or

38 (b) Directly to or from any target range, or other authorized place
39 for the purpose of practice, match, target, trap or skeet shooting
40 exhibitions, provided in all cases that during the course of the travel
41 all firearms are carried in the manner specified in subsection g. of this
42 section and the person has complied with all the provisions and
43 requirements of Title 23 of the Revised Statutes and any amendments
44 thereto and all rules and regulations promulgated thereunder; or

45 (c) In the case of a firearm, directly to or from any exhibition or
46 display of firearms which is sponsored by any law enforcement agency,

1 any rifle or pistol club, or any firearms collectors club, for the purpose
2 of displaying the firearms to the public or to the members of the
3 organization or club, provided, however, that not less than 30 days
4 prior to the exhibition or display, notice of the exhibition or display
5 shall be given to the Superintendent of the State Police by the
6 sponsoring organization or club, and the sponsor has complied with
7 such reasonable safety regulations as the superintendent may
8 promulgate. Any firearms transported pursuant to this section shall be
9 transported in the manner specified in subsection g. of this section;

10 (4) A person from keeping or carrying about a private or
11 commercial aircraft or any boat, or from transporting to or from such
12 vessel for the purpose of installation or repair a visual distress
13 signalling device approved by the United States Coast Guard.

14 g. All weapons being transported under paragraph (2) of
15 subsection b., subsection e., or paragraph (1) or (3) of subsection f. of
16 this section shall be carried unloaded and contained in a closed and
17 fastened case, gunbox, securely tied package, or locked in the trunk of
18 the automobile in which it is being transported, and in the course of
19 travel shall include only such deviations as are reasonably necessary
20 under the circumstances.

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

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

37 Any device used pursuant to this act shall be selected from a list of
38 products, which consist of active and inert ingredients, permitted by
39 the Commissioner of Health and Senior Services.

40 i. Nothing in N.J.S.2C:39-5 shall be construed to prevent any
41 person who is 18 years of age or older and who has not been convicted
42 of a felony, from possession for the purpose of personal self-defense
43 of one pocket-sized device which contains and releases not more than
44 three-quarters of an ounce of chemical substance not ordinarily
45 capable of lethal use or of inflicting serious bodily injury, but rather,
46 is intended to produce temporary physical discomfort or disability

1 through being vaporized or otherwise dispensed in the air. Any person
2 in possession of any device in violation of this subsection shall be
3 deemed and adjudged to be a disorderly person, and upon conviction
4 thereof, shall be punished by a fine of not less than \$100.00.

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

9 Such exempt person shall not possess or carry a firearm until the
10 person has satisfactorily completed a firearms training course and shall
11 annually qualify in the use of a revolver or similar weapon. For
12 purposes of this subsection, a "firearms training course" means a
13 course of instruction in the safe use, maintenance and storage of
14 firearms which is approved by the Police Training Commission. The
15 commission shall approve a firearms training course if the
16 requirements of the course are substantially equivalent to the
17 requirements for firearms training provided by police training courses
18 which are certified under section 6 of P.L.1961, c.56 (C.52:17B-71).
19 A person who is specified in paragraph (1), (2), (3) or (6) of
20 subsection a. of this section shall be exempt from the requirements of
21 this subsection.

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

28 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed
29 to prevent a law enforcement officer who retired in good standing,
30 including a retirement because of a disability pursuant to section 6 of
31 P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
32 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1) or any
33 substantially similar statute governing the disability retirement of
34 federal law enforcement officers, provided the officer was a regularly
35 employed, full-time law enforcement officer for an aggregate of five
36 or more years prior to his disability retirement and further provided
37 that the disability which constituted the basis for the officer's
38 retirement did not involve a certification that the officer was mentally
39 incapacitated for the performance of his usual law enforcement duties
40 and any other available duty in the department which his employer was
41 willing to assign to him or does not subject that retired officer to any
42 of the disabilities set forth in subsection c. of N.J.S.2C:58-3 which
43 would disqualify the retired officer from possessing or carrying a
44 firearm, who semi-annually qualifies in the use of the handgun he is
45 permitted to carry in accordance with the requirements and procedures
46 established by the Attorney General pursuant to subsection j. of this

1 section and pays the actual costs associated with those semi-annual
2 qualifications, who is less than 70 years of age, and who was regularly
3 employed as a full-time member of the State Police; a full-time
4 member of an interstate police force; a full-time member of a county
5 or municipal police department in this State; a full-time member of a
6 State law enforcement agency; a full-time sheriff, undersheriff or
7 sheriff's officer of a county of this State; a full-time State or county
8 corrections officer; a full-time county park police officer; a full-time
9 county prosecutor's detective or investigator; or a full-time federal law
10 enforcement officer from carrying a handgun in the same manner as
11 law enforcement officers exempted under paragraph (7) of subsection
12 a. of this section under the conditions provided herein:

13 (1) The retired law enforcement officer, within six months after
14 retirement, shall make application in writing to the Superintendent of
15 State Police for approval to carry a handgun for one year. An
16 application for annual renewal shall be submitted in the same manner.

17 (2) Upon receipt of the written application of the retired law
18 enforcement officer, the superintendent shall request a verification of
19 service from the chief law enforcement officer of the organization in
20 which the retired officer was last regularly employed as a full-time law
21 enforcement officer prior to retiring. The verification of service shall
22 include:

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

24 (b) The date that the retired officer was hired and the date that the
25 officer retired;

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

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

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

31 (3) If the superintendent approves a retired officer's application or
32 reapplication to carry a handgun pursuant to the provisions of this
33 subsection, the superintendent shall notify in writing the chief law
34 enforcement officer of the municipality wherein that retired officer
35 resides. In the event the retired officer resides in a municipality which
36 has no chief law enforcement officer or law enforcement agency, the
37 superintendent shall maintain a record of the approval.

38 (4) The superintendent shall issue to an approved retired officer an
39 identification card permitting the retired officer to carry a handgun
40 pursuant to this subsection. This identification card shall be valid for
41 one year from the date of issuance and shall be valid throughout the
42 State. The identification card shall not be transferable to any other
43 person. The identification card shall be carried at all times on the
44 person of the retired officer while the retired officer is carrying a
45 handgun. The retired officer shall produce the identification card for
46 review on the demand of any law enforcement officer or authority.

1 (5) Any person aggrieved by the denial of the superintendent of
2 approval for a permit to carry a handgun pursuant to this subsection
3 may request a hearing in the Superior Court of New Jersey in the
4 county in which he resides by filing a written request for such a
5 hearing within 30 days of the denial. Copies of the request shall be
6 served upon the superintendent and the county prosecutor. The
7 hearing shall be held within 30 days of the filing of the request, and no
8 formal pleading or filing fee shall be required. Appeals from the
9 determination of such a hearing shall be in accordance with law and
10 the rules governing the courts of this State.

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

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

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

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

1 conditioning of nuisance or depredating wildlife.
2 (cf: P.L. 2001, c.79, s.15)

3

4 3. This act shall take effect immediately.

5

6

7

STATEMENT

8

9 This bill would permit designated security personnel at federally
10 licensed nuclear facilities to possess, while in the actual performance
11 of their duties, certain semi-automatic weapons which, under New
12 Jersey law, are classified as assault firearms. The bill also would
13 permit designated security personnel to carry hollow nose ammunition
14 while on duty. At present, nuclear facility guards are not permitted to
15 possess such weapons or ammunition in New Jersey.

16 The changes proposed under this bill are designed to address the
17 specialized needs of the site protection specialists, guards, armed
18 response teams and armed escort personnel responsible for the security
19 of nuclear facilities in New Jersey.

ASSEMBLY HOMELAND SECURITY AND STATE
PREPAREDNESS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 3587and1012

STATE OF NEW JERSEY

DATED: JUNE 19, 2003

The Assembly Homeland Security and State Preparedness Committee reports favorably an Assembly Committee Substitute for Assembly Bill Nos. 3587and1012.

This substitute would permit designated employees and designated licensed agents at federally licensed nuclear facilities to possess, while in the actual performance of their duties, hollow nose ammunition and certain semi-automatic weapons classified as assault firearms; provided the federal licensee certifies that the employee or agent is assigned to perform site protection, guard, armed response or armed escort duties and is appropriately trained. The amendatory language in the substitute addresses the specialized needs of the site protection specialists, guards, armed response teams and armed escort personnel responsible for the security of nuclear facilities in New Jersey. Currently, nuclear facility employees and licensed agents are not permitted to possess such weapons or ammunition.

This substitute would also require any firearm utilized by a designated employee or agent to be returned each day at the end of the employee's or agent's authorized official duties to that person's supervisor. The substitute would require all such firearms to be stored in locked containers located in secure areas.

This substitute is identical to Senate Bill No. 1453 (1R).

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 3587 and 1012

STATE OF NEW JERSEY
210th LEGISLATURE

ADOPTED JUNE 19, 2003

Sponsored by:

Assemblyman DOUGLAS H. FISHER

District 3 (Salem, Cumberland and Gloucester)

Assemblyman JOHN J. BURZICHELLI

District 3 (Salem, Cumberland and Gloucester)

Assemblyman JEFFREY W. MORAN

District 9 (Atlantic, Burlington and Ocean)

Assemblyman CHRISTOPHER J. CONNORS

District 9 (Atlantic, Burlington and Ocean)

SYNOPSIS

Authorizes nuclear plant guards to possess certain firearms and ammunition.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Homeland Security and State Preparedness Committee.



1 AN ACT concerning firearms, and amending N.J.S.2C:39-3 and
2 N.J.S.2C:39-6.

3

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

6

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

8 2C:39-3. Prohibited Weapons and Devices.

9 a. Destructive devices. Any person who knowingly has in his
10 possession any destructive device is guilty of a crime of the third
11 degree.

12 b. Sawed-off shotguns. Any person who knowingly has in his
13 possession any sawed-off shotgun is guilty of a crime of the third
14 degree.

15 c. Silencers. Any person who knowingly has in his possession any
16 firearm silencer is guilty of a crime of the fourth degree.

17 d. Defaced firearms. Any person who knowingly has in his
18 possession any firearm which has been defaced, except an antique
19 firearm or an antique handgun, is guilty of a crime of the fourth
20 degree.

21 e. Certain weapons. Any person who knowingly has in his
22 possession any gravity knife, switchblade knife, dagger, dirk, stiletto,
23 billy, blackjack, metal knuckle, sandclub, slingshot, cestus or similar
24 leather band studded with metal filings or razor blades imbedded in
25 wood, ballistic knife, without any explainable lawful purpose, is guilty
26 of a crime of the fourth degree.

27 f. Dum-dum or body armor penetrating bullets. (1) Any person,
28 other than a law enforcement officer or persons engaged in activities
29 pursuant to subsection f. of N.J.S.2C:39-6, who knowingly has in his
30 possession any hollow nose or dum-dum bullet, or (2) any person,
31 other than a collector of firearms or ammunition as curios or relics as
32 defined in Title 18, United States Code, section 921 (a) (13) and has
33 in his possession a valid Collector of Curios and Relics License issued
34 by the Bureau of Alcohol, Tobacco and Firearms, who knowingly has
35 in his possession any body armor breaching or penetrating ammunition,
36 which means: (a) ammunition primarily designed for use in a handgun,
37 and (b) which is comprised of a bullet whose core or jacket, if the
38 jacket is thicker than .025 of an inch, is made of tungsten carbide, or
39 hard bronze, or other material which is harder than a rating of 72 or
40 greater on the Rockwell B. Hardness Scale, and (c) is therefore
41 capable of breaching or penetrating body armor, is guilty of a crime of
42 the fourth degree. For purposes of this section, a collector may
43 possess not more than three examples of each distinctive variation of

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

Matter underlined thus is new matter.

1 the ammunition described above. A distinctive variation includes a
2 different head stamp, composition, design, or color.

3 g. Exceptions. (1) Nothing in subsection a., b., c., d., e., f., j. or
4 k. of this section shall apply to any member of the Armed Forces of the
5 United States or the National Guard, or except as otherwise provided,
6 to any law enforcement officer while actually on duty or traveling to
7 or from an authorized place of duty, provided that his possession of
8 the prohibited weapon or device has been duly authorized under the
9 applicable laws, regulations or military or law enforcement orders.
10 Nothing in subsection h. of this section shall apply to any law
11 enforcement officer who is exempted from the provisions of that
12 subsection by the Attorney General. Nothing in this section shall apply
13 to the possession of any weapon or device by a law enforcement
14 officer who has confiscated, seized or otherwise taken possession of
15 said weapon or device as evidence of the commission of a crime or
16 because he believed it to be possessed illegally by the person from
17 whom it was taken, provided that said law enforcement officer
18 promptly notifies his superiors of his possession of such prohibited
19 weapon or device.

20 (2) (a) Nothing in subsection f. (1) shall be construed to prevent
21 a person from keeping such ammunition at his dwelling, premises or
22 other land owned or possessed by him, or from carrying such
23 ammunition from the place of purchase to said dwelling or land, nor
24 shall subsection f. (1) be construed to prevent any licensed retail or
25 wholesale firearms dealer from possessing such ammunition at its
26 licensed premises, provided that the seller of any such ammunition
27 shall maintain a record of the name, age and place of residence of any
28 purchaser who is not a licensed dealer, together with the date of sale
29 and quantity of ammunition sold.

30 (b) Nothing in subsection f.(1) shall be construed to prevent a
31 designated employee or designated licensed agent for a nuclear power
32 plant under the license of the Nuclear Regulatory Commission from
33 possessing hollow nose ammunition while in the actual performance of
34 his official duties, if the federal licensee certifies that the designated
35 employee or designated licensed agent is assigned to perform site
36 protection, guard, armed response or armed escort duties and is
37 appropriately trained and qualified, as prescribed by federal regulation,
38 to perform those duties.

39 (3) Nothing in paragraph (2) of subsection f. or in subsection j.
40 shall be construed to prevent any licensed retail or wholesale firearms
41 dealer from possessing that ammunition or large capacity ammunition
42 magazine at its licensed premises for sale or disposition to another
43 licensed dealer, the Armed Forces of the United States or the National
44 Guard, or to a law enforcement agency, provided that the seller
45 maintains a record of any sale or disposition to a law enforcement
46 agency. The record shall include the name of the purchasing agency,

1 together with written authorization of the chief of police or highest
2 ranking official of the agency, the name and rank of the purchasing law
3 enforcement officer, if applicable, and the date, time and amount of
4 ammunition sold or otherwise disposed. A copy of this record shall be
5 forwarded by the seller to the Superintendent of the Division of State
6 Police within 48 hours of the sale or disposition.

7 (4) Nothing in subsection a. of this section shall be construed to
8 apply to antique cannons as exempted in subsection d. of
9 N.J.S.2C:39-6.

10 (5) Nothing in subsection c. of this section shall be construed to
11 apply to any person who is specifically identified in a special deer
12 management permit issued by the Division of Fish and Wildlife to
13 utilize a firearm silencer as part of an alternative deer control method
14 implemented in accordance with a special deer management permit
15 issued pursuant to section 4 of P.L.2000, c.46 (C.23:4-42.6), while the
16 person is in the actual performance of the permitted alternative deer
17 control method and while going to and from the place where the
18 permitted alternative deer control method is being utilized. This
19 exception shall not, however, otherwise apply to any person to
20 authorize the purchase or possession of a firearm silencer.

21 h. Stun guns. Any person who knowingly has in his possession
22 any stun gun is guilty of a crime of the fourth degree.

23 i. Nothing in subsection e. of this section shall be construed to
24 prevent any guard in the employ of a private security company, who
25 is licensed to carry a firearm, from the possession of a nightstick when
26 in the actual performance of his official duties, provided that he has
27 satisfactorily completed a training course approved by the Police
28 Training Commission in the use of a nightstick.

29 j. Any person who knowingly has in his possession a large
30 capacity ammunition magazine is guilty of a crime of the fourth degree
31 unless the person has registered an assault firearm pursuant to section
32 11 of P.L.1990, c.32 (C.2C:58-12) and the magazine is maintained and
33 used in connection with participation in competitive shooting matches
34 sanctioned by the Director of Civilian Marksmanship of the United
35 States Department of the Army.

36 k. Handcuffs. Any person who knowingly has in his possession
37 handcuffs as defined in P.L.1991, c.437 (C.2C:39-9.2), under
38 circumstances not manifestly appropriate for such lawful uses as
39 handcuffs may have, is guilty of a disorderly persons offense. A law
40 enforcement officer shall confiscate handcuffs possessed in violation
41 of the law.

42 (cf: P.L. 2000, c.46, s.5)

43

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

45 2C:39-6. a. Provided a person complies with the requirements of
46 subsection j. of this section, N.J.S.2C:39-5 does not apply to:

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

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

8 (3) Members of the State Police and, under conditions prescribed
9 by the superintendent, members of the Marine Law Enforcement
10 Bureau of the Division of State Police;

11 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
12 assistant prosecutor, prosecutor's detective or investigator, deputy
13 attorney general or State investigator employed by the Division of
14 Criminal Justice of the Department of Law and Public Safety,
15 investigator employed by the State Commission of Investigation,
16 inspector of the Alcoholic Beverage Control Enforcement Bureau of
17 the Division of State Police in the Department of Law and Public
18 Safety authorized to carry such weapons by the Superintendent of
19 State Police, State park ranger, or State conservation officer;

20 (5) A prison or jail warden of any penal institution in this State or
21 his deputies, or an employee of the Department of Corrections
22 engaged in the interstate transportation of convicted offenders, while
23 in the performance of his duties, and when required to possess the
24 weapon by his superior officer, or a correction officer or keeper of a
25 penal institution in this State at all times while in the State of New
26 Jersey, provided he annually passes an examination approved by the
27 superintendent testing his proficiency in the handling of firearms;

28 (6) A civilian employee of the United States Government under the
29 supervision of the commanding officer of any post, camp, station, base
30 or other military or naval installation located in this State who is
31 required, in the performance of his official duties, to carry firearms,
32 and who is authorized to carry such firearms by said commanding
33 officer, while in the actual performance of his official duties;

34 (7) (a) A regularly employed member, including a detective, of
35 the police department of any county or municipality, or of any State,
36 interstate, municipal or county park police force or boulevard police
37 force, at all times while in the State of New Jersey;

38 (b) A special law enforcement officer authorized to carry a
39 weapon as provided in subsection b. of section 7 of P.L.1985, c.439
40 (C.40A:14-146.14);

41 (c) An airport security officer or a special law enforcement officer
42 appointed by the governing body of any county or municipality, except
43 as provided in subsection b. of this section, or by the commission,
44 board or other body having control of a county park or airport or
45 boulevard police force, while engaged in the actual performance of his
46 official duties and when specifically authorized by the governing body

1 to carry weapons;

2 (8) A full-time, paid member of a paid or part-paid fire department
3 or force of any municipality who is assigned full-time or part-time to
4 an arson investigation unit created pursuant to section 1 of P.L.1981,
5 c.409 (C.40A:14-7.1) or to the county arson investigation unit in the
6 county prosecutor's office, while either engaged in the actual
7 performance of arson investigation duties or while actually on call to
8 perform arson investigation duties and when specifically authorized by
9 the governing body or the county prosecutor, as the case may be, to
10 carry weapons. Prior to being permitted to carry a firearm, such a
11 member shall take and successfully complete a firearms training course
12 administered by the Police Training Commission pursuant to P.L.1961,
13 c.56 (C.52:17B-66 et seq.), and shall annually qualify in the use of a
14 revolver or similar weapon prior to being permitted to carry a firearm;

15 (9) A juvenile corrections officer in the employment of the
16 Juvenile Justice Commission established pursuant to section 2 of
17 P.L.1995, c.284 (C.52:17B-170) subject to the regulations
18 promulgated by the commission ;

19 (10) A designated employee or designated licensed agent for a
20 nuclear power plant under license of the Nuclear Regulatory
21 Commission, while in the actual performance of his official duties, if
22 the federal licensee certifies that the designated employee or
23 designated licensed agent is assigned to perform site protection, guard,
24 armed response or armed escort duties and is appropriately trained and
25 qualified, as prescribed by federal regulation, to perform those duties.
26 Any firearm utilized by an employee or agent for a nuclear power plant
27 pursuant to this paragraph shall be returned each day at the end of the
28 employee's or agent's authorized official duties to the employee's or
29 agent's supervisor. All firearms returned each day pursuant to this
30 paragraph shall be stored in locked containers located in a secure area.

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

32 (1) A law enforcement officer employed by a governmental agency
33 outside of the State of New Jersey while actually engaged in his
34 official duties, provided, however, that he has first notified the
35 superintendent or the chief law enforcement officer of the municipality
36 or the prosecutor of the county in which he is engaged; or

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

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

46 (1) A special agent of the Division of Taxation who has passed an

1 examination in an approved police training program testing proficiency
2 in the handling of any firearm which he may be required to carry, while
3 in the actual performance of his official duties and while going to or
4 from his place of duty, or any other police officer, while in the actual
5 performance of his official duties;

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

10 (3) (Deleted by amendment, P.L.1986, c.150.)

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

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

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

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

24 (8) An employee of a public utilities corporation actually engaged
25 in the transportation of explosives;

26 (9) A railway policeman, except a transit police officer of the New
27 Jersey Transit Police Department, at all times while in the State of
28 New Jersey, provided that he has passed an approved police academy
29 training program consisting of at least 280 hours. The training
30 program shall include, but need not be limited to, the handling of
31 firearms, community relations, and juvenile relations;

32 (10) A campus police officer appointed under P.L.1970, c.211
33 (C.18A:6-4.2 et seq.) at all times. Prior to being permitted to carry a
34 firearm, a campus police officer shall take and successfully complete
35 a firearms training course administered by the Police Training
36 Commission, pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and
37 shall annually qualify in the use of a revolver or similar weapon prior
38 to being permitted to carry a firearm;

39 (11) [A person who has not been convicted of a crime under the
40 laws of this State or under the laws of another state or the United
41 States, and who is employed as a full-time security guard for a nuclear
42 power plant under the license of the Nuclear Regulatory Commission,
43 while in the actual performance of his official duties] (Deleted by
44 amendment, P.L. .c. (now pending before the Legislature as this
45 bill));

46 (12) A transit police officer of the New Jersey Transit Police

1 Department, at all times while in the State of New Jersey, provided the
2 officer has satisfied the training requirements of the Police Training
3 Commission, pursuant to subsection c. of section 2 of P.L.1989, c.291
4 (C.27:25-15.1);

5 (13) A parole officer employed by the State Parole Board at all
6 times. Prior to being permitted to carry a firearm, a parole officer
7 shall take and successfully complete a basic course for regular police
8 officer training administered by the Police Training Commission,
9 pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), and shall annually
10 qualify in the use of a revolver or similar weapon prior to being
11 permitted to carry a firearm;

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

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

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

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

30 d. (1) Subsections c. and d. of N.J.S.2C:39-5 do not apply to
31 antique firearms, provided that such antique firearms are unloaded or
32 are being fired for the purposes of exhibition or demonstration at an
33 authorized target range or in such other manner as has been approved
34 in writing by the chief law enforcement officer of the municipality in
35 which the exhibition or demonstration is held, or if not held on
36 property under the control of a particular municipality, the
37 superintendent.

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

44 (3) Subsection a. of N.J.S.2C:39-3 and subsection d. of
45 N.J.S.2C:39-5 do not apply to an unloaded antique cannon that is
46 being transported by one eligible to possess it, in compliance with

1 regulations the superintendent may promulgate, between its permanent
2 location and place of purchase or repair.

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

12 (5) Subsection a. of N.J.S.2C:39-3 and subsection d. of
13 N.J.S.2C:39-5 do not apply to the transportation of unloaded antique
14 cannons directly to or from exhibitions or demonstrations authorized
15 under paragraph (4) of subsection d. of this section, provided that the
16 transportation is in compliance with safety regulations the
17 superintendent may promulgate. Nor do those subsections apply to
18 transportation directly to or from exhibitions or demonstrations
19 authorized under the law of another jurisdiction, provided that the
20 superintendent has been given 30 days' notice and that the
21 transportation is in compliance with safety regulations the
22 superintendent may promulgate.

23 e. Nothing in subsections b., c. and d. of N.J.S.2C:39-5 shall be
24 construed to prevent a person keeping or carrying about his place of
25 business, residence, premises or other land owned or possessed by
26 him, any firearm, or from carrying the same, in the manner specified
27 in subsection g. of this section, from any place of purchase to his
28 residence or place of business, between his dwelling and his place of
29 business, between one place of business or residence and another when
30 moving, or between his dwelling or place of business and place where
31 such firearms are repaired, for the purpose of repair. For the purposes
32 of this section, a place of business shall be deemed to be a fixed
33 location.

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

36 (1) A member of any rifle or pistol club organized in accordance
37 with the rules prescribed by the National Board for the Promotion of
38 Rifle Practice, in going to or from a place of target practice, carrying
39 such firearms as are necessary for said target practice, provided that
40 the club has filed a copy of its charter with the superintendent and
41 annually submits a list of its members to the superintendent and
42 provided further that the firearms are carried in the manner specified
43 in subsection g. of this section;

44 (2) A person carrying a firearm or knife in the woods or fields or
45 upon the waters of this State for the purpose of hunting, target
46 practice or fishing, provided that the firearm or knife is legal and

1 appropriate for hunting or fishing purposes in this State and he has in
2 his possession a valid hunting license, or, with respect to fresh water
3 fishing, a valid fishing license;

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

5 (a) Directly to or from any place for the purpose of hunting or
6 fishing, provided the person has in his possession a valid hunting or
7 fishing license; or

8 (b) Directly to or from any target range, or other authorized place
9 for the purpose of practice, match, target, trap or skeet shooting
10 exhibitions, provided in all cases that during the course of the travel
11 all firearms are carried in the manner specified in subsection g. of this
12 section and the person has complied with all the provisions and
13 requirements of Title 23 of the Revised Statutes and any amendments
14 thereto and all rules and regulations promulgated thereunder; or

15 (c) In the case of a firearm, directly to or from any exhibition or
16 display of firearms which is sponsored by any law enforcement agency,
17 any rifle or pistol club, or any firearms collectors club, for the purpose
18 of displaying the firearms to the public or to the members of the
19 organization or club, provided, however, that not less than 30 days
20 prior to the exhibition or display, notice of the exhibition or display
21 shall be given to the Superintendent of the State Police by the
22 sponsoring organization or club, and the sponsor has complied with
23 such reasonable safety regulations as the superintendent may
24 promulgate. Any firearms transported pursuant to this section shall be
25 transported in the manner specified in subsection g. of this section;

26 (4) A person from keeping or carrying about a private or
27 commercial aircraft or any boat, or from transporting to or from such
28 vessel for the purpose of installation or repair a visual distress
29 signalling device approved by the United States Coast Guard.

30 g. All weapons being transported under paragraph (2) of
31 subsection b., subsection e., or paragraph (1) or (3) of subsection f. of
32 this section shall be carried unloaded and contained in a closed and
33 fastened case, gunbox, securely tied package, or locked in the trunk of
34 the automobile in which it is being transported, and in the course of
35 travel shall include only such deviations as are reasonably necessary
36 under the circumstances.

37 h. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed to
38 prevent any employee of a public utility, as defined in R.S.48:2-13,
39 doing business in this State or any United States Postal Service
40 employee, while in the actual performance of duties which specifically
41 require regular and frequent visits to private premises, from
42 possessing, carrying or using any device which projects, releases or
43 emits any substance specified as being noninjurious to canines or other
44 animals by the Commissioner of Health and Senior Services and which
45 immobilizes only on a temporary basis and produces only temporary
46 physical discomfort through being vaporized or otherwise dispensed

1 in the air for the sole purpose of repelling canine or other animal
2 attacks.

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

7 Any device used pursuant to this act shall be selected from a list of
8 products, which consist of active and inert ingredients, permitted by
9 the Commissioner of Health and Senior Services.

10 i. Nothing in N.J.S.2C:39-5 shall be construed to prevent any
11 person who is 18 years of age or older and who has not been convicted
12 of a felony, from possession for the purpose of personal self-defense
13 of one pocket-sized device which contains and releases not more than
14 three-quarters of an ounce of chemical substance not ordinarily
15 capable of lethal use or of inflicting serious bodily injury, but rather,
16 is intended to produce temporary physical discomfort or disability
17 through being vaporized or otherwise dispensed in the air. Any person
18 in possession of any device in violation of this subsection shall be
19 deemed and adjudged to be a disorderly person, and upon conviction
20 thereof, shall be punished by a fine of not less than \$100.00.

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

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

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

44 l. Nothing in subsection b. of N.J.S.2C:39-5 shall be construed to
45 prevent a law enforcement officer who retired in good standing,
46 including a retirement because of a disability pursuant to section 6 of

1 P.L.1944, c.255 (C.43:16A-6), section 7 of P.L.1944, c.255
2 (C.43:16A-7), section 1 of P.L.1989, c.103 (C.43:16A-6.1) or any
3 substantially similar statute governing the disability retirement of
4 federal law enforcement officers, provided the officer was a regularly
5 employed, full-time law enforcement officer for an aggregate of five
6 or more years prior to his disability retirement and further provided
7 that the disability which constituted the basis for the officer's
8 retirement did not involve a certification that the officer was mentally
9 incapacitated for the performance of his usual law enforcement duties
10 and any other available duty in the department which his employer was
11 willing to assign to him or does not subject that retired officer to any
12 of the disabilities set forth in subsection c. of N.J.S.2C:58-3 which
13 would disqualify the retired officer from possessing or carrying a
14 firearm, who semi-annually qualifies in the use of the handgun he is
15 permitted to carry in accordance with the requirements and procedures
16 established by the Attorney General pursuant to subsection j. of this
17 section and pays the actual costs associated with those semi-annual
18 qualifications, who is less than 70 years of age, and who was regularly
19 employed as a full-time member of the State Police; a full-time
20 member of an interstate police force; a full-time member of a county
21 or municipal police department in this State; a full-time member of a
22 State law enforcement agency; a full-time sheriff, undersheriff or
23 sheriff's officer of a county of this State; a full-time State or county
24 corrections officer; a full-time county park police officer; a full-time
25 county prosecutor's detective or investigator; or a full-time federal law
26 enforcement officer from carrying a handgun in the same manner as
27 law enforcement officers exempted under paragraph (7) of subsection
28 a. of this section under the conditions provided herein:

29 (1) The retired law enforcement officer, within six months after
30 retirement, shall make application in writing to the Superintendent of
31 State Police for approval to carry a handgun for one year. An
32 application for annual renewal shall be submitted in the same manner.

33 (2) Upon receipt of the written application of the retired law
34 enforcement officer, the superintendent shall request a verification of
35 service from the chief law enforcement officer of the organization in
36 which the retired officer was last regularly employed as a full-time law
37 enforcement officer prior to retiring. The verification of service shall
38 include:

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

40 (b) The date that the retired officer was hired and the date that the
41 officer retired;

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

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

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

1 (3) If the superintendent approves a retired officer's application
2 or reapplication to carry a handgun pursuant to the provisions of this
3 subsection, the superintendent shall notify in writing the chief law
4 enforcement officer of the municipality wherein that retired officer
5 resides. In the event the retired officer resides in a municipality which
6 has no chief law enforcement officer or law enforcement agency, the
7 superintendent shall maintain a record of the approval.

8 (4) The superintendent shall issue to an approved retired officer
9 an identification card permitting the retired officer to carry a handgun
10 pursuant to this subsection. This identification card shall be valid for
11 one year from the date of issuance and shall be valid throughout the
12 State. The identification card shall not be transferable to any other
13 person. The identification card shall be carried at all times on the
14 person of the retired officer while the retired officer is carrying a
15 handgun. The retired officer shall produce the identification card for
16 review on the demand of any law enforcement officer or authority.

17 (5) Any person aggrieved by the denial of the superintendent of
18 approval for a permit to carry a handgun pursuant to this subsection
19 may request a hearing in the Superior Court of New Jersey in the
20 county in which he resides by filing a written request for such a
21 hearing within 30 days of the denial. Copies of the request shall be
22 served upon the superintendent and the county prosecutor. The
23 hearing shall be held within 30 days of the filing of the request, and no
24 formal pleading or filing fee shall be required. Appeals from the
25 determination of such a hearing shall be in accordance with law and
26 the rules governing the courts of this State.

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

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

39 m. Nothing in subsection d. of N.J.S.2C:39-5 shall be construed
40 to prevent duly authorized personnel of the New Jersey Division of
41 Fish, Game and Wildlife, while in the actual performance of duties,
42 from possessing, transporting or using any device that projects,
43 releases or emits any substance specified as being non-injurious to
44 wildlife by the Director of the Division of Animal Health in the
45 Department of Agriculture, and which may immobilize wildlife and
46 produces only temporary physical discomfort through being vaporized

1 or otherwise dispensed in the air for the purpose of repelling bear or
2 other animal attacks or for the aversive conditioning of wildlife.

3 n. Nothing in subsection b., c., d. or e. of N.J.S.2C:39-5 shall be
4 construed to prevent duly authorized personnel of the New Jersey
5 Division of Fish, Game and Wildlife, while in the actual performance
6 of duties, from possessing, transporting or using hand held pistol-like
7 devices, rifles or shotguns that launch pyrotechnic missiles for the sole
8 purpose of frightening, hazing or aversive conditioning of nuisance or
9 depredating wildlife; from possessing, transporting or using rifles,
10 pistols or similar devices for the sole purpose of chemically
11 immobilizing wild or non-domestic animals; or, provided the duly
12 authorized person complies with the requirements of subsection j. of
13 this section, from possessing, transporting or using rifles or shotguns,
14 upon completion of a Police Training Commission approved training
15 course, in order to dispatch injured or dangerous animals or for
16 non-lethal use for the purpose of frightening, hazing or aversive
17 conditioning of nuisance or depredating wildlife.

18 (cf: P.L.2001, c.362, s.4)

19

20 3. This act shall take effect immediately.